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1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----X
5 EDWARD CARTER, FRANK FIORILLO,
6 KEVIN LAMM, JOSEPH NOFI, and
7 THOMAS SNYDER,
8
9 Plaintiffs,

10 -against-

Index No. CV 07 1215

11 INCORPORATED VILLAGE OF OCEAN
12 BEACH; MAYOR JOSEPH C.
13 LOEFFLER, JR., individually
14 and in his official capacity;
15 former mayor NATALIE K. ROGERS,
16 individually and in her
17 official capacity, OCEAN BEACH
18 POLICE DEPARTMENT; ACTING
19 DEPUTY POLICE CHIEF GEORGE B.
20 HESSE, individually and in his
21 official capacity; SUFFOLK
22 COUNTY; SUFFOLK COUNTY POLICE
23 DEPARTMENT OF CIVIL SERVICE;
24 and ALLISON SANCHEZ,
25 individually and in her
official capacity,
Defendants.

-----X
16 VIDEOTAPED DEPOSITION

17 OF

18 GARY BOSETTI

19 New York, New York

20 Monday, February 23, 2009

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22
23
24 Reported by:
25 ANNETTE ARLEQUIN, CSR, RPR
JOB NO. 20821

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February 23, 2009
10:06 a.m.

Videotaped deposition of GARY
BOSETTI, held at the offices of THOMPSON
WIGDOR & GILLY, LLP, 85 Fifth Avenue, New
York, New York, before Annette Arlequin, a
Certified Court Reporter, a Registered
Professional Reporter and Notary Public of
the State of New York.

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A P P E A R A N C E S:

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Ocean Beach Police Department
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BY: KENNETH A. NOVIKOFF, ESQ.

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A P P E A R A N C E S (Cont'd.):

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BY: MICHAEL E. FEHRINGER, ESQ.

ALSO PRESENT:

SILVIO FACCHIN, CLVS
FRED FIORILLO
TOM SNYDER
KEVIN LAMM (Morning Session Only)

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IT IS HEREBY STIPULATED AND AGREED by
and between the attorneys for the
respective parties herein, that filing and
sealing be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, shall be reserved to the
time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be sworn to
and signed before any officer authorized to
administer an oath, with the same force and
effect as if signed and sworn to before the
Court.

- o0o -

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<p>Contains Confidential Portions</p> <p>Page 6</p> <p>1 * Proceedings *</p> <p>2 THE VIDEOGRAPHER: This is the tape 10:06:04</p> <p>3 labeled No. 1 of the videotaped deposition 10:06:07</p> <p>4 of Gary Bosetti in the matter Edward 10:06:11</p> <p>5 Carter, et al. versus Incorporated Village 10:06:14</p> <p>6 of Ocean Beach, et al. 10:06:16</p> <p>7 We're now going on the record. The 10:06:17</p> <p>8 time is 10:06 a.m. 10:06:19</p> <p>9 Would counsel please state their 10:06:21</p> <p>10 appearances for the record. 10:06:23</p> <p>11 MR. GOODSTADT: Andrew Goodstadt, 10:06:23</p> <p>12 Thompson Wigdor & Gilly, on behalf of the 10:06:26</p> <p>13 plaintiffs. 10:06:27</p> <p>14 MR. NOVIKOFF: Ken Novikoff, Rivkin 10:06:29</p> <p>15 Radler, LLP, on behalf of all Village 10:06:31</p> <p>16 defendants except George Hesse. 10:06:34</p> <p>17 MR. CONNOLLY: Kevin W. Connolly or 10:06:35</p> <p>18 Marks, O'Neill, O'Brien & Courtney for 10:06:38</p> <p>19 defendant Hesse. 10:06:40</p> <p>20 MR. FEHRINGER: Michael Fehringer 10:06:40</p> <p>21 from Reynolds, Caronia, Gianelli, Hagney 10:06:40</p> <p>22 and La Pinta, 35 Arkay Drive, Hauppauge, 10:06:40</p> <p>23 New York, for the non-party witness Gary 10:06:45</p> <p>24 Bosetti. 10:06:48</p> <p>25 THE VIDEOGRAPHER: Will the court 10:06:48</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 7</p> <p>1 * Proceedings *</p> <p>2 reporter please swear in the witness. 10:06:50</p> <p>3 * * * 10:06:50</p> <p>4 G A R Y B O S E T T I, called as a witness, 10:06:52</p> <p>5 having been duly sworn by a Notary 10:06:52</p> <p>6 Public, was examined and testified as 10:06:52</p> <p>7 follows: 10:07:00</p> <p>8 MR. NOVIKOFF: Regular stips? 10:07:00</p> <p>9 MR. GOODSTADT: Regular stips. 10:07:02</p> <p>10 Great. 10:07:03</p> <p>11 EXAMINATION BY 10:07:03</p> <p>12 MR. GOODSTADT: 10:07:03</p> <p>13 Q. Good morning, Mr. Bosetti. 10:07:03</p> <p>14 A. Good morning. 10:07:04</p> <p>15 Q. My name is Andrew Goodstadt. I'm an 10:07:05</p> <p>16 attorney at the law firm of Thompson, Wigdor & 10:07:07</p> <p>17 Gilly and our firm represents the five 10:07:09</p> <p>18 plaintiffs in this action; Edward Carter, Tom 10:07:11</p> <p>19 Snyder, Kevin Lamm, Frank Fiorilo and Joseph 10:07:16</p> <p>20 Nofi. 10:07:21</p> <p>21 Before we get started, I just wanted 10:07:21</p> <p>22 to take a look at a document that's been marked 10:07:27</p> <p>23 as G. Bosetti-1. 10:07:29</p> <p>24 (Plaintiffs' Exhibit G. Bosetti 1, 10:07:31</p> <p>25 Subpoena, marked for identification, as of 10:07:31</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 8</p> <p>1 G. Bosetti</p> <p>2 this date.) 10:07:39</p> <p>3 Q. It's a copy of a subpoena in this 10:07:39</p> <p>4 matter. 10:07:43</p> <p>5 Mr. Bosetti, have you ever seen the 10:07:44</p> <p>6 document that's been marked as G. Bosetti-1? 10:07:45</p> <p>7 A. Yes. 10:07:48</p> <p>8 Q. And this is a subpoena that was 10:07:50</p> <p>9 served on you? 10:07:54</p> <p>10 A. Yes. 10:07:55</p> <p>11 Q. Was it, was it -- well, strike that. 10:07:55</p> <p>12 How did you receive a copy of this? 10:07:57</p> <p>13 Originally, not the one today. 10:08:01</p> <p>14 A. Originally? 10:08:02</p> <p>15 Q. Yes. 10:08:03</p> <p>16 A. It was delivered. 10:08:04</p> <p>17 Q. Hand delivered to you? 10:08:05</p> <p>18 A. Yes. 10:08:06</p> <p>19 Q. And the -- 10:08:06</p> <p>20 THE WITNESS: You have to excuse me, 10:08:18</p> <p>21 but I'm a smoker. 10:08:20</p> <p>22 Q. And the address that's listed under 10:08:24</p> <p>23 your name at the top left side of this, 156 10:08:26</p> <p>24 Green Street, Franklin Square, New York, that's 10:08:31</p> <p>25 your address? 10:08:33</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 9</p> <p>1 G. Bosetti</p> <p>2 A. Yes. 10:08:34</p> <p>3 Q. Okay. Is that where you currently 10:08:34</p> <p>4 live? 10:08:35</p> <p>5 A. Yes. 10:08:35</p> <p>6 Q. How long have you lived at that 10:08:36</p> <p>7 address? 10:08:37</p> <p>8 A. About 19 years. 10:08:38</p> <p>9 Q. And since 2004, January 1, 2004 to 10:08:41</p> <p>10 the present, who has lived with you at that 10:08:51</p> <p>11 address? 10:08:53</p> <p>12 A. 2004. 10:08:54</p> <p>13 MR. NOVIKOFF: Note my objection. 10:08:58</p> <p>14 Q. You can answer. 10:09:00</p> <p>15 A. I was married for a while, but from 10:09:02</p> <p>16 2004 it might have been just me. I'm not sure 10:09:05</p> <p>17 of dates. 10:09:10</p> <p>18 Q. And other than for that address, have 10:09:13</p> <p>19 you had any other addresses as your residence 10:09:17</p> <p>20 since 2002 to the present? 10:09:21</p> <p>21 MR. NOVIKOFF: Objection. 10:09:24</p> <p>22 A. No, sir. 10:09:28</p> <p>23 Q. Have you ever used any address in 10:09:28</p> <p>24 Ocean Beach as your residence? 10:09:31</p> <p>25 A. No. 10:09:33</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 Q. And your brother is Richard Bosetti; 10:09:33
3 is that correct? 10:09:33
4 A. Yes, sir. 10:09:46
5 Q. Okay. And he was deposed in this 10:09:46
6 case a couple weeks ago, correct? 10:09:48
7 A. That's correct. 10:09:50
8 Q. You're aware of that? 10:09:50
9 A. Yes. 10:09:52
10 Q. Have you spoken with him at all about 10:09:52
11 his deposition? 10:09:54
12 A. No, sir, only that it was a long day. 10:09:55
13 Q. That's all he said? 10:09:59
14 A. Yes. He didn't get into it. 10:10:00
15 Q. He didn't tell you the substance of 10:10:02
16 any questions or issues that were raised during 10:10:04
17 his deposition? 10:10:06
18 A. No, sir. 10:10:06
19 Q. He didn't mention anything about 10:10:06
20 Elyse Miller during -- when you discussed his 10:10:08
21 deposition with him? 10:10:11
22 A. No, sir. 10:10:12
23 Q. How many times did you discuss his 10:10:14
24 deposition with him? 10:10:16
25 MR. NOVIKOFF: Objection. 10:10:19
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1 G. Bosetti
2 Q. And what did you say, if anything, 10:11:09
3 during that conversation? 10:11:11
4 A. I said, "Good. I'm glad." 10:11:12
5 Q. Anything else discussed during that 10:11:15
6 conversation? 10:11:17
7 A. No, sir. 10:11:17
8 Q. Did you guys discuss Elyse Miller at 10:11:18
9 all during that conversation? 10:11:21
10 A. No, sir. 10:11:22
11 Q. Her name wasn't raised at all? 10:11:22
12 A. No. Not that I can recall, no. 10:11:24
13 Q. You understand that you're testifying 10:11:27
14 under oath today? 10:11:31
15 A. Yes, sir. 10:11:32
16 Q. And you're sworn to tell the truth. 10:11:32
17 You understand that? 10:11:34
18 A. Yes, sir. 10:11:34
19 Q. And your failure to tell the truth 10:11:35
20 can result in some kind of criminal sanctions? 10:11:37
21 You understand that? 10:11:40
22 A. Yes, sir. 10:11:40
23 Q. Have you testified under oath other 10:11:41
24 than for in your capacity as a police officer 10:11:43
25 during your normal duties in connection with 10:11:46
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1 G. Bosetti
2 The fact that he was going to take 10:10:20
3 the deposition? 10:10:22
4 MR. GOODSTADT: How many times has 10:10:23
5 he at all. The fact of how many times did 10:10:24
6 Richard Bosetti discuss his own deposition 10:10:27
7 with Gary. 10:10:30
8 MR. FEHRINGER: I'm going to object. 10:10:31
9 A. We discussed it when he was finished 10:10:35
10 after the two days. He told me it was a long 10:10:39
11 day and that was it. We didn't get into 10:10:42
12 details. 10:10:45
13 Q. Did you speak with him at all after 10:10:45
14 the first day? 10:10:47
15 MR. NOVIKOFF: Objection. 10:10:50
16 You mean on the first day. 10:10:51
17 MR. GOODSTADT: Yeah, before coming 10:10:53
18 back the second day. 10:10:54
19 Q. Did you speak to him at all in 10:10:56
20 between his deposition on the first day and the 10:10:58
21 second day of his deposition? 10:11:00
22 A. Just briefly. See how it went. 10:11:01
23 Q. And what did he say during that 10:11:03
24 conversation? 10:11:07
25 A. Everything went good. 10:11:07
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1 G. Bosetti
2 arrests that you've made? 10:11:50
3 A. I'm sorry. Can you say that again or 10:11:52
4 rephrase? 10:11:54
5 Q. Have you testified under oath in 10:11:55
6 any -- well, strike that. 10:11:58
7 Have you ever testified under oath? 10:11:59
8 A. Yes. 10:12:00
9 Q. How many times? 10:12:02
10 A. Geez, I don't recall. 10:12:03
11 Q. Outside of testifying in criminal 10:12:07
12 court in connection with your ordinary duties as 10:12:12
13 a police officer, have you ever testified under 10:12:15
14 oath? 10:12:18
15 A. Geez, I don't think so. I'm not 10:12:19
16 sure, but I don't think so. 10:12:26
17 Q. Have you ever testified at a 10:12:28
18 deposition? 10:12:29
19 A. No. No, sir. 10:12:30
20 Q. Have you testified at a trial? 10:12:33
21 A. Criminal trial? 10:12:38
22 Q. Outside -- all these questions are 10:12:39
23 outside of your scope as a police officer, 10:12:42
24 testifying in a criminal trial as a witness -- 10:12:45
25 A. I don't think so. 10:12:48
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1 G. Bosetti
2 Q. Have you ever been a party to a civil 10:12:49
3 action, a plaintiff or a defendant in a civil 10:12:51
4 action? 10:12:54
5 A. No, sir. 10:12:54
6 Q. Okay. Since this is your first time 10:12:55
7 in a deposition, why don't we go over the ground 10:13:01
8 rules so everyone's on the same page so there's 10:13:04
9 no issues or questions later. 10:13:05
10 It's important that you give verbal 10:13:06
11 answers. Your nods of the head, shakes of the 10:13:08
12 hands aren't going to be able to be recorded by 10:13:10
13 our court reporter. 10:13:12
14 You understand that? 10:13:13
15 A. Yes, sir. 10:13:14
16 Q. And similarly, because we're getting 10:13:14
17 a transcript of today's deposition, it's best if 10:13:17
18 we have question, answer, question, answer, 10:13:20
19 which means it's important I let you finish your 10:13:22
20 answers just as it's important you let me finish 10:13:25
21 my questions, okay? 10:13:28
22 A. Very good. 10:13:29
23 Q. If you don't hear or understand a 10:13:30
24 question that I ask, I just ask you to ask me to 10:13:33
25 repeat it or rephrase it, okay? 10:13:36
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1 G. Bosetti
2 A. Okay. 10:13:38
3 Q. If you don't hear or understand a 10:13:38
4 phrase or word that I use, again, just ask me to 10:13:41
5 repeat or rephrase. I'll be happy to do so, 10:13:42
6 okay? 10:13:45
7 A. Very good. 10:13:45
8 Q. If you do answer a question, I'm 10:13:46
9 going to assume that you both heard my question 10:13:47
10 and understood it. 10:13:51
11 Is that fair? 10:13:52
12 A. Yes. 10:13:52
13 Q. If at any point in time you feel like 10:13:53
14 you need to take a break or a recess, just let 10:13:58
15 me know. I'll be happy to accommodate that, 10:14:00
16 okay? 10:14:02
17 A. Right. Thank you. 10:14:02
18 Q. The only thing I ask is if there's a 10:14:03
19 question pending, you answer the question and 10:14:06
20 then we take our break. 10:14:07
21 Is that okay? 10:14:08
22 A. Yes. 10:14:09
23 Q. Are you presently taking any 10:14:09
24 medications that you believe would affect your 10:14:13
25 ability to testify truthfully and fully today? 10:14:15
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1 G. Bosetti
2 A. No, sir. 10:14:18
3 Q. Are you presently under a doctor's 10:14:19
4 care for any illness that you think may affect 10:14:23
5 your ability to testify today? 10:14:25
6 A. I'm taking some antidepressants right 10:14:27
7 now. 10:14:32
8 Q. Antidepressants? 10:14:32
9 A. Yes. 10:14:33
10 Q. What antidepressants are you taking? 10:14:34
11 A. Prozac. 10:14:34
12 Q. Do you think that anything in 10:14:37
13 connection with your ingestion of Prozac would 10:14:40
14 affect your ability to testify today? 10:14:43
15 A. I hope not. 10:14:45
16 MR. NOVIKOFF: To testify today or 10:14:46
17 testify completely and truthfully? 10:14:48
18 That's -- 10:14:51
19 Q. Affect your ability to testify at all 10:14:51
20 today, whether it has to do with truthfulness or 10:14:53
21 anything else. 10:14:56
22 A. That's it. I hope not. 10:14:56
23 Q. How long have you been taking Prozac? 10:14:57
24 A. A couple of years. 10:14:59
25 Q. So it's not something that you just 10:15:03
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1 G. Bosetti
2 were put on this week or last week? 10:15:04
3 A. No. 10:15:06
4 Q. Has Prozac ever affected your memory? 10:15:07
5 A. I don't know. 10:15:10
6 Q. But you're not aware of any situation 10:15:18
7 in which Prozac affected your memory, are you? 10:15:20
8 A. Again, I don't know. I don't know. 10:15:23
9 Q. Well, can you give me any examples of 10:15:26
10 where Prozac has affected your ability to 10:15:28
11 remember something? 10:15:31
12 MR. NOVIKOFF: Objection. 10:15:31
13 A. No, just, you know, sometimes I have 10:15:33
14 a hard time recalling things, you know. 10:15:34
15 Q. Because of the Prozac? 10:15:38
16 A. I don't know. 10:15:40
17 Q. Have you ever complained to your 10:15:44
18 doctor that you had memory loss due to your 10:15:46
19 Prozac? 10:15:49
20 A. No. 10:15:49
21 Q. Other than for Prozac, are you on any 10:15:52
22 other medications? 10:15:55
23 A. WelChol. 10:15:56
24 Q. What's it called? 10:16:00
25 A. WelChol. 10:16:01
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1 G. Bosetti
2 Q. WelChol? And what is that for? 10:16:02
3 A. It's, what do you call that, for the 10:16:03
4 plaque in your -- for your arteries. 10:16:09
5 Q. So it's something to reduce 10:16:13
6 cholesterol or -- 10:16:16
7 A. Yes. 10:16:17
8 Q. How long you been on WelChol? 10:16:18
9 A. About eight months, six months. 10:16:21
10 Q. Has the WelChol affected your ability 10:16:25
11 to recall or remember anything? 10:16:29
12 A. I'm going to say I don't recall, but 10:16:30
13 I don't know. I really don't know. 10:16:34
14 Q. Are there any instances that you 10:16:37
15 complained to your doctor -- 10:16:39
16 A. No. 10:16:39
17 Q. -- that WelChol is really bothering 10:16:39
18 my cognitive abilities, my memory? 10:16:41
19 A. No, sir. 10:16:45
20 Q. Is there anything you can think of 10:16:46
21 that would affect your ability to testify fully 10:16:49
22 and truthfully today? 10:16:52
23 MR. NOVIKOFF: Objection. 10:16:54
24 A. I certainly hope not, no. 10:16:56
25 Q. You're represented by an attorney in 10:16:58
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1 G. Bosetti
2 connection with this deposition? 10:17:01
3 A. Am I represented by an attorney? 10:17:03
4 Q. In connection with this deposition. 10:17:04
5 A. Yes. 10:17:06
6 Q. Okay. And who is that? 10:17:06
7 A. Mike. 10:17:07
8 Q. Mike is sitting right next to you? 10:17:10
9 A. Yes. 10:17:11
10 MR. GOODSTADT: And just so the 10:17:12
11 record is clear, that's Michael Fehringer 10:17:13
12 that he's pointing to. 10:17:15
13 Q. Is that correct? 10:17:15
14 A. That's correct. 10:17:17
15 Q. When did you first learn that the 10:17:18
16 plaintiffs in this matter were making 10:17:22
17 allegations against Ocean Beach and others? 10:17:24
18 MR. NOVIKOFF: Objection. 10:17:27
19 A. How long has it been? A year, two 10:17:36
20 years. 10:17:38
21 Q. How did you first learn about it? 10:17:38
22 MR. NOVIKOFF: You're talking about 10:17:40
23 the complaint, the allegations in the 10:17:41
24 complaint as opposed to general 10:17:42
25 allegations. 10:17:44
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1 G. Bosetti
2 MR. GOODSTADT: Well, how about -- 10:17:45
3 MR. NOVIKOFF: That's what my 10:17:46
4 objection was. 10:17:47
5 MR. GOODSTADT: I will start after 10:17:48
6 the separation of their employment. 10:17:49
7 BY MR. GOODSTADT: 10:17:49
8 Q. When was the first time you learned 10:17:52
9 that there were allegations being raised by the 10:17:53
10 plaintiffs in this case? 10:17:56
11 A. That I don't know. I don't know how 10:17:57
12 long it was. 10:17:58
13 Q. Well, how did you first learn that 10:17:59
14 they were raising allegations against Ocean 10:18:02
15 Beach and others? 10:18:04
16 A. I was informed at work but I don't 10:18:05
17 remember by who. 10:18:08
18 Q. Do you recall what was stated to you 10:18:09
19 when you were informed at work? 10:18:12
20 A. That Lamm and Fiorillo, Snyder and 10:18:14
21 Carter and Nofi were suing the town. 10:18:24
22 Q. At that point in time did you learn 10:18:33
23 what they were suing the town for? 10:18:35
24 A. At that point, no. I don't know. 10:18:38
25 I'm not sure. 10:18:43
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1 G. Bosetti
2 Q. Were you in the station at the time 10:18:44
3 that you -- 10:18:46
4 A. I'm sorry? 10:18:47
5 Q. Were you in the police station at the 10:18:47
6 time you learned about it? 10:18:49
7 A. I couldn't tell you for sure. I 10:18:50
8 don't know. 10:18:52
9 Q. So sitting here today, you don't 10:18:52
10 recall where you were? 10:18:54
11 A. No. 10:18:54
12 Q. Do you recall what your reaction was 10:18:55
13 when you learned that they were suing the town? 10:19:00
14 A. Yeah. I couldn't believe it. 10:19:02
15 Q. How come? 10:19:05
16 A. They're the ones who should be 10:19:05
17 getting sued in my opinion. 10:19:12
18 Q. What do you mean by that? 10:19:12
19 A. They were terrible police officers in 10:19:14
20 my opinion. The way they did their 10:19:19
21 investigation was corrupt. 10:19:25
22 Q. Anything else that you mean by 10:19:33
23 they're the ones that should be sued? 10:19:35
24 A. Nah, it's that pretty much. 10:19:40
25 Q. Who do you think they should be sued 10:19:41
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1 G. Bosetti
2 by? 10:19:45
3 A. They should be sued by? 10:19:45
4 Q. You said they're the ones that should 10:19:47
5 be sued. 10:19:49
6 A. Yeah. 10:19:49
7 Q. By whom? 10:19:49
8 A. By the people they were paid to 10:19:50
9 protect. 10:19:54
10 Q. Do you know whether they've been sued 10:19:56
11 by the people they've been paid to protect? 10:19:59
12 A. Oh, I don't know. That I don't know. 10:20:00
13 Q. And you said their investigation was 10:20:01
14 corrupt. 10:20:03
15 What did you mean by that? 10:20:03
16 A. There was an incident that I was 10:20:05
17 personally involved with, the Halloween case, 10:20:07
18 where if you read the documents, you will see 10:20:11
19 how they questioned -- how they didn't question 10:20:14
20 anybody but the perps involved and by doing so, 10:20:18
21 you can sway the investigation any way you want. 10:20:24
22 Q. Do you know whether they were ever 10:20:29
23 investigated by Internal Affairs for a purported 10:20:32
24 corrupt investigation? 10:20:36
25 A. That I don't know. 10:20:36
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1 G. Bosetti
2 Q. Did you ever make any complaints that 10:20:37
3 their investigation was corrupt? 10:20:38
4 MR. NOVIKOFF: Note my objection. 10:20:43
5 A. Yeah. 10:20:46
6 Q. To whom? 10:20:47
7 A. I remember stating it. To who I'm 10:20:47
8 not sure, but I remember stating it, yeah. 10:20:50
9 Q. Do you recall anybody specifically 10:20:51
10 that you stated it to? 10:20:54
11 A. No. 10:20:55
12 I remember telling my brother, yeah, 10:20:58
13 and maybe a few other guys that were working, 10:21:00
14 but exactly who I don't know. 10:21:03
15 Q. Did you ever tell anybody other than 10:21:04
16 for coworkers that you thought that anybody in 10:21:07
17 the police department other than for any other 10:21:12
18 police officers that you thought their 10:21:15
19 investigation was corrupt? 10:21:16
20 A. No, I don't think so. 10:21:17
21 Q. Did you ever tell Chief Paradiso? 10:21:18
22 A. Hmm. That's a possible. 10:21:23
23 Q. You don't recall? 10:21:27
24 A. I'm not sure. 10:21:28
25 Q. Sitting here today you don't recall? 10:21:29
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1 G. Bosetti
2 A. I don't recall sitting here. 10:21:30
3 Q. Did you ever tell Joe Loeffler, who 10:21:31
4 was a trustee at the time? 10:21:34
5 A. I don't -- to be honest with you, I 10:21:36
6 don't think so. 10:21:39
7 Q. Did you ever tell Mayor Natalie 10:21:39
8 Rogers? 10:21:42
9 A. No. 10:21:42
10 Q. Did you ever go to a board of trustee 10:21:42
11 meeting and complain that the investigation was 10:21:44
12 purportedly corrupt? 10:21:46
13 A. No, sir. 10:21:48
14 Q. Did you ever go to the DA's office 10:21:48
15 and tell them that you thought the investigation 10:21:50
16 was corrupt? 10:21:52
17 A. No, sir. 10:21:52
18 Q. Did you ever go to the Suffolk County 10:21:53
19 Police Department and complain that you thought 10:21:55
20 their investigation was corrupt? 10:21:57
21 A. No, sir. 10:21:59
22 Q. Did you ever ask Internal Affairs to 10:21:59
23 investigate whether their investigation was 10:22:02
24 corrupt? 10:22:05
25 A. No, sir. 10:22:05
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1 G. Bosetti
2 Q. Have you ever seen a copy of the 10:22:07
3 complaint that was filed in this matter? 10:22:10
4 A. No, sir. 10:22:12
5 Q. Have you ever spoken to or 10:22:13
6 communicated with George Hesse about the 10:22:19
7 allegations in this matter? 10:22:21
8 A. No, sir. 10:22:24
9 Q. What is your understanding of what 10:22:25
10 the plaintiffs in this case are alleging? 10:22:27
11 A. I'm sorry. 10:22:29
12 Q. What is your understanding of what 10:22:29
13 the plaintiffs in this case are alleging? 10:22:31
14 MR. NOVIKOFF: Objection. 10:22:34
15 A. That they were let go for no reason 10:22:39
16 whatsoever. I don't know. 10:22:43
17 Q. That's your understanding what 10:22:46
18 they're claiming? 10:22:49
19 A. Yeah. 10:22:51
20 Q. How did you come to that 10:22:52
21 understanding? 10:22:55
22 A. Geez, I don't know. I can't just -- 10:22:56
23 I can't give you a specific on it. 10:23:05
24 Q. Can you give me any generalities as 10:23:07
25 to how you came to that conclusion that you 10:23:09
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1 G. Bosetti
2 think they're suing because they were let go for 10:23:12
3 no reason? 10:23:15
4 A. I don't know. I really don't know 10:23:15
5 what reason they had. 10:23:24
6 Q. When you say "what reason they had," 10:23:27
7 what do you mean; what reason the beach had to 10:23:29
8 let them go or what reason the plaintiffs had 10:23:33
9 to -- 10:23:34
10 A. The plaintiffs had to sue. 10:23:34
11 Q. Have you ever spoken to George Hesse 10:23:36
12 about the fact that these plaintiffs have sued 10:23:38
13 the beach and others? 10:23:42
14 A. Not in detail, no. 10:23:45
15 Q. How about generally have you 10:23:47
16 discussed it with him? 10:23:50
17 A. Just that they were suing the town. 10:23:51
18 Q. You never discussed with George Hesse 10:23:55
19 what they were suing the town about? 10:23:58
20 A. No, not really. I really don't 10:23:59
21 remember where I've heard it the first time I 10:24:04
22 heard it. 10:24:07
23 Q. Did you ever discuss the merits of 10:24:08
24 their claim that they were let go for no reason 10:24:10
25 with George Hesse? 10:24:14
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1 G. Bosetti
2 A. The merits? 10:24:15
3 Q. Yeah. 10:24:17
4 A. There was no need to. In my opinion 10:24:21
5 they should have been let go a long time ago. 10:24:22
6 Q. The question was whether you ever 10:24:26
7 discussed the merits with George Hesse. 10:24:28
8 The answer is no? 10:24:30
9 A. No. 10:24:30
10 Q. You ever discuss the merits with Joe 10:24:31
11 Loeffler, Jr.? 10:24:31
12 A. No. 10:24:35
13 MR. NOVIKOFF: That would be trustee 10:24:35
14 Loeffler, currently Mayor Loeffler. 10:24:38
15 THE WITNESS: Currently mayor, right. 10:24:39
16 BY MR. GOODSTADT: 10:24:39
17 Q. When I say Joe Loeffler, unless I 10:24:40
18 reference the Joe Loeffler, Sr. who's the former 10:24:43
19 chief of police there, I'm referring to Joe 10:24:46
20 Loeffler, Jr. who is the current mayor, at the 10:24:49
21 time of Halloween was a trustee. 10:24:52
22 Did you ever discuss this case at all 10:24:52
23 with Joe Loeffler? 10:24:54
24 A. No, sir. 10:24:54
25 Q. Have you ever discussed -- have you 10:24:56
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1 G. Bosetti
2 ever spoken with Natalie Rogers? 10:24:59
3 A. About the case? 10:25:01
4 Q. At all about anything. 10:25:02
5 A. Yes. 10:25:05
6 Q. Have you ever discussed any of the 10:25:05
7 plaintiffs with Natalie Rogers? 10:25:08
8 A. No. 10:25:09
9 Q. Did you ever discuss anything about 10:25:10
10 this case with Harry Bacon? 10:25:14
11 A. No, no. No details. 10:25:18
12 Q. Discuss it with him generally? 10:25:21
13 A. Again, generally just that they were 10:25:23
14 suing the town. 10:25:29
15 Q. Did you ever discuss the merits of 10:25:31
16 their claim with Harry Bacon? 10:25:33
17 A. Not that I can recall. 10:25:36
18 Q. Is there anything that you can think 10:25:38
19 of that would refresh your recollection; any 10:25:40
20 notes you may have, a calendar, any emails you 10:25:42
21 may have? 10:25:45
22 A. No, sir. 10:25:45
23 Q. How about Pat Cherry? Did you ever 10:25:47
24 discuss anything at all about the plaintiffs' 10:25:50
25 claims in this case with Pat Cherry? 10:25:53
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1 G. Bosetti
2 A. Pat Cherry? 10:25:53
3 MR. NOVIKOFF: You just mean after 10:25:57
4 the complaint was filed has he discussed 10:25:59
5 with Pat Cherry. 10:26:01
6 MR. GOODSTADT: Well, since he 10:26:02
7 learned -- 10:26:03
8 MR. NOVIKOFF: Because in theory he 10:26:03
9 could have been discussing the Halloween 10:26:05
10 incident with Pat prior to complaint. 10:26:06
11 MR. GOODSTADT: We'll get to that 10:26:06
12 later. 10:26:07
13 MR. FEHRINGER: Right. Okay. 10:26:07
14 MR. GOODSTADT: We're talking about 10:26:07
15 since he learned that they were making 10:26:08
16 allegations against Ocean Beach and others. 10:26:10
17 BY MR. GOODSTADT: 10:26:14
18 A. No, not that I recall. 10:26:14
19 Q. When was the last time you spoke with 10:26:16
20 Pat Cherry or had any communication with Pat 10:26:19
21 Cherry? 10:26:21
22 A. Wow. Hmm. It was some time ago but 10:26:21
23 I don't recall when. 10:26:29
24 Q. What do you mean by "some time ago"? 10:26:31
25 Is it days, weeks, months, years? 10:26:33
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1 G. Bosetti
2 A. Maybe a year. 10:26:35
3 Q. One year? 10:26:39
4 A. Yes. 10:26:42
5 Q. When was the last time you 10:26:43
6 communicated with George Hesse? 10:26:46
7 A. Several days, a week ago. 10:26:51
8 Q. Was that in person, over the phone, 10:26:54
9 by email? 10:26:56
10 A. Over the phone. 10:26:57
11 Q. Did you call him or he call you? 10:26:58
12 A. Actually I think I called him to 10:27:00
13 apologize because he was having a party, a 10:27:03
14 birthday party, and I couldn't make it. 10:27:07
15 Q. He invited you to his birthday party? 10:27:10
16 A. Yes. 10:27:13
17 Q. Did you discuss this case or anything 10:27:14
18 about this case with him at that time? 10:27:17
19 A. No, sir. 10:27:18
20 Q. When was the last time you spoke to 10:27:18
21 George Hesse about any of the plaintiffs in this 10:27:20
22 case? 10:27:22
23 A. I don't recall. 10:27:22
24 Q. Do you ever recall speaking to George 10:27:29
25 Hesse about any of the plaintiffs in this case? 10:27:31
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1 G. Bosetti
2 MR. NOVIKOFF: After he found out 10:27:33
3 about the allegations? 10:27:34
4 MR. GOODSTADT: Yes. 10:27:36
5 A. Yeah, but it was never -- not in 10:27:37
6 detail. 10:27:44
7 Q. What did you discuss with him? 10:27:45
8 A. He said they were suing the town. 10:27:48
9 Like I said, I couldn't believe it. 10:27:53
10 Q. So he told you they were suing the 10:27:56
11 town and you said, "I couldn't believe it"? 10:27:58
12 A. Yeah. Something to that effect, yes. 10:28:00
13 Q. Do you recall anything else that was 10:28:03
14 discussed at any point in time since you learned 10:28:05
15 of the allegations that you discussed with 10:28:07
16 George Hesse about any of the plaintiffs in this 10:28:10
17 case? 10:28:11
18 A. Not that I can recall, sir. 10:28:12
19 Q. Is there anything that would refresh 10:28:16
20 your recollection? You guys ever emailed each 10:28:19
21 other? 10:28:20
22 A. No. 10:28:21
23 Q. You guys ever send each other any 10:28:21
24 communications in writing? 10:28:26
25 A. No, sir. 10:28:27
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1 G. Bosetti
2 Q. Have you ever emailed George Hesse? 10:28:27
3 A. I don't think so. 10:28:31
4 Q. Have you ever, other than for sitting 10:28:32
5 in this room, have you ever had any 10:28:39
6 communications with anybody at the Rivkin Radler 10:28:41
7 firm, which is Ken Novikoff's firm? 10:28:44
8 A. No, sir. 10:28:46
9 Q. You ever speak to someone named 10:28:47
10 Michael Welsh? 10:28:50
11 A. No, sir. 10:28:51
12 Q. Have you ever spoken with, other than 10:28:53
13 for what you testified thus far, have you ever 10:28:59
14 had any communications or correspondence with 10:29:02
15 any other current or former employee at Ocean 10:29:03
16 Beach about the plaintiffs subsequent to finding 10:29:08
17 out that they've made some allegations? 10:29:10
18 A. Current or former? Not that I can 10:29:15
19 recall. 10:29:18
20 Q. Did you ever discuss the merits of 10:29:21
21 your understanding of the plaintiffs' claims 10:29:25
22 with your brother? 10:29:27
23 A. Can you rephrase that, please? 10:29:28
24 Q. You testified that you understand 10:29:30
25 that the plaintiffs are claiming that they were 10:29:34
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1 G. Bosetti - Confidential
2 fired for no reason, correct? 10:29:36
3 A. Right. 10:29:37
4 Q. Have you ever discussed your belief 10:29:38
5 of the merits of that claim? 10:29:40
6 Do you understand what the word 10:29:42
7 merits is? 10:29:44
8 A. Yeah, just explain that to me though. 10:29:45
9 Q. Okay. Whether it's truthful or not. 10:29:47
10 Did you ever discuss that; whether their claims 10:29:51
11 that you understand the claims referring, did 10:29:54
12 you ever discuss the truthfulness of that with 10:29:58
13 your brother? 10:29:59
14 A. I'd have to say yeah, I believe we 10:30:00
15 did. 10:30:03
16 Q. How many times? 10:30:04
17 A. That I don't know. 10:30:04
18 Q. Approximately how many times? 10:30:09
19 A. A couple of times. I don't remember. 10:30:10
20 Q. What do you mean by a couple, two? 10:30:16
21 A. Two is fine, yes. 10:30:18
22 Q. And do you recall when the first time 10:30:20
23 you spoke with your brother about it was? 10:30:23
24 A. No, sir. 10:30:25
25 Q. Do you recall the substance of your 10:30:26
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1 G. Bosetti
2 first conversation with your brother? 10:30:28
3 A. No, sir. 10:30:30
4 Q. Do you recall anything you discussed 10:30:31
5 about the merits of the plaintiffs' claims with 10:30:32
6 your brother at any time? 10:30:34
7 A. Just again that it was unbelievable. 10:30:38
8 I couldn't believe it. 10:30:41
9 Q. Do you have a personal email address? 10:30:43
10 A. Yes, sir. 10:30:46
11 Q. And what is that? 10:30:47
12 A. Parker... 10:30:48
13 Q. P-a-r-k-e-r? 10:30:51
14 A. Yes. 10:30:52
15 ...0157. 10:30:53
16 Q. At? 10:30:53
17 A. Oh, I'm sorry. ...@aol. 10:31:00
18 MR. FEHRINGER: I'd like to make that 10:31:04
19 email address confidential, please? 10:31:05
20 MR. GOODSTADT: That's fine. 10:31:07
21 Q. Have you ever been arrested? 10:31:15
22 A. No, sir. 10:31:19
23 Q. Have you ever been -- assuming you 10:31:19
24 haven't been convicted of any crime; is that 10:31:22
25 correct? 10:31:22
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1 G. Bosetti
2 A. No, sir. 10:31:24
3 Q. You testified that you have been 10:31:25
4 divorced; is that correct? 10:31:27
5 A. That's correct. 10:31:28
6 Q. And when were you divorced? 10:31:29
7 A. When? 10:31:31
8 Q. Yes. 10:31:31
9 A. Oh, boy. That had to be about -- I'm 10:31:36
10 not sure when the finalization came down. It 10:31:45
11 had to be about eight years ago. Maybe 2000, 10:31:47
12 2001? Which I guess would answer your question 10:31:56
13 earlier that I was living alone in 2004. 10:31:59
14 Q. And you were represented by John 10:32:02
15 Gianelli in that case? 10:32:06
16 A. Yes. 10:32:07
17 Q. And since the divorce was final, did 10:32:09
18 your children live with you or with your former 10:32:16
19 wife? 10:32:18
20 A. We have joint custody. Basically 10:32:18
21 staying with my former wife, but I had them -- 10:32:23
22 there was no set times or dates, but right now 10:32:27
23 my son is living with me. 10:32:30
24 Q. How old is your son? 10:32:32
25 A. Fourteen. 10:32:33
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1 G. Bosetti
2 Q. His name is Ryan? 10:32:39
3 A. Yes, sir. 10:32:40
4 Q. And you testified before that you've 10:32:41
5 never been a plaintiff or defendant in an 10:32:47
6 action. 10:32:49
7 Weren't you the plaintiff in your 10:32:51
8 divorce? 10:32:52
9 MR. NOVIKOFF: Objection. 10:32:55
10 A. Okay. I forgot. Yes, sir. 10:32:55
11 Q. So then for your divorce, let's 10:32:59
12 revisit the question. 10:33:01
13 Have you ever been a plaintiff or a 10:33:02
14 defendant in any civil action? 10:33:03
15 A. I was a plaintiff, yes, I was, in my 10:33:05
16 divorce. 10:33:08
17 Q. Just in your divorce? 10:33:10
18 A. Yes. As far as I can remember, yes. 10:33:11
19 Q. What have you done, if anything, to 10:33:13
20 prepare for this deposition? 10:33:35
21 A. I just tried to, you know, collect my 10:33:37
22 thoughts. 10:33:44
23 Q. Did you review any documents? 10:33:44
24 A. I looked at them briefly. 10:33:46
25 Q. What documents did you look at 10:33:48
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1 G. Bosetti
2 briefly? 10:33:50
3 A. The witness statements. 10:33:50
4 Q. What do you mean by "the witness 10:33:52
5 statements"? 10:33:54
6 A. For the Halloween incident. 10:33:54
7 Q. When did you look at them to prepare 10:34:00
8 for this deposition? 10:34:02
9 A. Last night. 10:34:03
10 Q. Which witness statements did you look 10:34:06
11 at? 10:34:11
12 A. Geez. I read the accusations about 10:34:12
13 it, the police reports. Basically what I had, I 10:34:23
14 just went through it. 10:34:38
15 Q. And these are copies that you have in 10:34:39
16 your personal possession? 10:34:41
17 A. Um-hmm. Yes, sir. 10:34:44
18 Q. When did you gain possession of those 10:34:45
19 documents? 10:34:48
20 A. When -- right after Shalik and Van 10:34:49
21 Koot were locked up. 10:35:01
22 Q. So some point in 2004? 10:35:05
23 A. Yes. 10:35:09
24 Q. How did you go about obtaining copies 10:35:10
25 of those documents? 10:35:13
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<p>Contains Confidential Portions</p> <p>Page 38</p> <p>1 G. Bosetti</p> <p>2 MR. NOVIKOFF: Objection. 10:35:17</p> <p>3 A. Well, I was the police officer 10:35:22</p> <p>4 involved. 10:35:24</p> <p>5 Q. I'm talking about how did you go 10:35:24</p> <p>6 about obtaining the ones that you kept 10:35:26</p> <p>7 personally? 10:35:29</p> <p>8 A. Geez, I don't recall how I, how I 10:35:30</p> <p>9 obtained them. 10:35:34</p> <p>10 Q. Did you make copies of them yourself? 10:35:35</p> <p>11 A. That I don't remember. I don't know. 10:35:37</p> <p>12 Q. Did you ask anyone for permission to 10:35:42</p> <p>13 keep copies of those documents? 10:35:46</p> <p>14 MR. NOVIKOFF: Objection. 10:35:49</p> <p>15 A. No, sir. 10:35:52</p> <p>16 Q. So you just took those without having 10:35:54</p> <p>17 any permission from anyone at Ocean Beach? 10:35:58</p> <p>18 MR. NOVIKOFF: Objection. No 10:35:59</p> <p>19 foundation that any permission was needed. 10:36:00</p> <p>20 A. Yes, I guess so. 10:36:05</p> <p>21 Q. When you say you reviewed the 10:36:07</p> <p>22 accusations about it, what were you referring 10:36:15</p> <p>23 to? 10:36:17</p> <p>24 A. The reports that Snyder, Lamm and 10:36:24</p> <p>25 Fiorillo took. 10:36:29</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 39</p> <p>1 G. Bosetti</p> <p>2 Q. So the witness statements of Van 10:36:30</p> <p>3 Koot, Shalik and Tesoro? Is that what you're 10:36:35</p> <p>4 referring to? 10:36:38</p> <p>5 A. Yes. 10:36:39</p> <p>6 Q. Any other accusations about it that 10:36:43</p> <p>7 you're referring to? 10:36:46</p> <p>8 A. No, sir. 10:36:47</p> <p>9 Q. You testified you reviewed the police 10:36:48</p> <p>10 reports. 10:36:51</p> <p>11 What were you referring to by saying 10:36:51</p> <p>12 "police reports." 10:36:53</p> <p>13 A. Like I said, the reports that 10:36:54</p> <p>14 Fiorillo and Lamm and Snyder took. 10:36:56</p> <p>15 Q. Did you review any other witness 10:36:59</p> <p>16 statements? 10:37:02</p> <p>17 A. No, not really. 10:37:06</p> <p>18 Q. Did you review your statement that 10:37:08</p> <p>19 you gave in connection with the Halloween 10:37:10</p> <p>20 incident? 10:37:12</p> <p>21 A. Yes, I did. 10:37:13</p> <p>22 Q. That was last night as well? 10:37:14</p> <p>23 A. Yes, sir. 10:37:15</p> <p>24 Q. Did you review your brother's 10:37:16</p> <p>25 statement that he gave in connection with the 10:37:18</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 40</p> <p>1 G. Bosetti</p> <p>2 Halloween incident? 10:37:20</p> <p>3 A. No, sir. 10:37:21</p> <p>4 Q. Did you review any other witness 10:37:22</p> <p>5 statements that were taken in connection with 10:37:25</p> <p>6 the Halloween incident? 10:37:27</p> <p>7 A. No, sir. 10:37:28</p> <p>8 Q. Do you have copies of those other 10:37:31</p> <p>9 witness statements at home? 10:37:33</p> <p>10 A. No, sir. 10:37:34</p> <p>11 Q. Other than for reviewing those couple 10:37:35</p> <p>12 of documents you testified to, have you done 10:37:47</p> <p>13 anything else to prepare for today's deposition? 10:37:49</p> <p>14 A. I took a shower. 10:37:52</p> <p>15 Q. Anything else? 10:37:54</p> <p>16 A. No, sir. 10:37:55</p> <p>17 MR. NOVIKOFF: I always wonder when 10:37:59</p> <p>18 someone is not going to answer that way. 10:38:02</p> <p>19 You're the first one in years -- 10:38:02</p> <p>20 THE WITNESS: Forgive me. I 10:38:04</p> <p>21 apologize. I'm very sorry. 10:38:06</p> <p>22 BY MR. GOODSTADT: 10:38:07</p> <p>23 Q. Have you ever spoken to anybody at 10:38:07</p> <p>24 the Marks, O'Neill law firm, which is where 10:38:11</p> <p>25 Mr. Connolly represents George Hesse in this 10:38:13</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 41</p> <p>1 G. Bosetti</p> <p>2 matter? 10:38:15</p> <p>3 A. No, sir. 10:38:16</p> <p>4 Q. Have you ever spoken to anyone from 10:38:16</p> <p>5 William Keehan's office about Ocean Beach? 10:38:20</p> <p>6 A. No, sir. 10:38:23</p> <p>7 Q. Are you currently employed by Ocean 10:38:24</p> <p>8 Beach? 10:38:33</p> <p>9 A. No, sir. 10:38:33</p> <p>10 Q. When did your employment with Ocean 10:38:34</p> <p>11 Beach end? 10:38:36</p> <p>12 A. It was -- I think it was February of 10:38:37</p> <p>13 '08. 10:38:48</p> <p>14 Q. And why did it end? 10:38:53</p> <p>15 A. I resigned. 10:38:55</p> <p>16 Q. Why did you resign? 10:38:57</p> <p>17 A. I was 49 at the time. I was a cop 10:38:58</p> <p>18 for 26 years and I figured it was time. 10:39:06</p> <p>19 Q. Did you tender any kind of 10:39:10</p> <p>20 resignation letter or email or anything? 10:39:13</p> <p>21 A. I believe, I believe I wrote a 10:39:15</p> <p>22 resignation letter. 10:39:19</p> <p>23 Q. And who did you tender that to? 10:39:21</p> <p>24 A. I believe it was Chief Hesse. 10:39:24</p> <p>25 MR. GOODSTADT: I'd like to mark the 10:39:30</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 42</p> <p>1 G. Bosetti</p> <p>2 record to request a copy of the resignation 10:39:31</p> <p>3 letter tendered by Mr. Bosetti that he 10:39:36</p> <p>4 tendered to Chief Hesse. 10:39:39</p> <p>5 MR. NOVIKOFF: I think it's been 10:39:42</p> <p>6 produced. I recall seeing, and again, I 10:39:43</p> <p>7 will look again to see if there's something 10:39:46</p> <p>8 else, but I recall specifically, and it may 10:39:47</p> <p>9 even be in my book, that there was a memo 10:39:49</p> <p>10 from Mr. Bosetti saying "I hereby resign" 10:39:53</p> <p>11 effective whatever date. I think it was 10:39:56</p> <p>12 turned over but I will check. 10:39:58</p> <p>13 MR. GOODSTADT: If you can check, 10:40:01</p> <p>14 please. 10:40:03</p> <p>15 MR. FEHRINGER: Sure. 10:40:01</p> <p>16 MR. GOODSTADT: I just don't believe 10:40:01</p> <p>17 I've seen it, so if it's there, let me know 10:40:07</p> <p>18 what the Bates number is. 10:40:08</p> <p>19 MR. NOVIKOFF: It's all good. 10:40:09</p> <p>20 BY MR. GOODSTADT: 10:40:10</p> <p>21 Q. Were you ever disciplined at all 10:40:11</p> <p>22 during your employment at Ocean Beach? 10:40:12</p> <p>23 MR. NOVIKOFF: Objection. 10:40:15</p> <p>24 A. Not that I recall, no, sir. 10:40:17</p> <p>25 Q. Not verbally or in writing? 10:40:19</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 43</p> <p>1 G. Bosetti</p> <p>2 A. Verbally? Yes. Yes. 10:40:21</p> <p>3 Q. Who were you disciplined by verbally? 10:40:31</p> <p>4 A. I believe it was Chief Paradiso. 10:40:34</p> <p>5 Q. On how many occasions? 10:40:38</p> <p>6 A. Once I think. 10:40:42</p> <p>7 Q. And what did he discipline you for 10:40:46</p> <p>8 doing? 10:40:52</p> <p>9 A. Well, let me clear something up. 10:40:52</p> <p>10 He did let me go after the Halloween 10:40:57</p> <p>11 incident. 10:40:59</p> <p>12 Q. And that's the verbal discipline that 10:41:06</p> <p>13 you testified to? 10:41:09</p> <p>14 A. Yes. 10:41:10</p> <p>15 Q. So other than for letting you go 10:41:11</p> <p>16 after Halloween, did Paradiso verbally 10:41:13</p> <p>17 discipline you on any other occasion? 10:41:15</p> <p>18 A. It was the file cabinet and the water 10:41:28</p> <p>19 he got mad at us. I think that's it. 10:41:31</p> <p>20 Q. Paradiso got mad at you for the file 10:41:35</p> <p>21 cabinet and the water? 10:41:38</p> <p>22 A. Yes. 10:41:38</p> <p>23 Q. We'll get to that incident later, but 10:41:39</p> <p>24 what discipline did he impose after the file 10:41:41</p> <p>25 cabinet and the water incident? 10:41:44</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 44</p> <p>1 G. Bosetti</p> <p>2 A. He was very -- just got mad, he 10:41:46</p> <p>3 yells. 10:41:50</p> <p>4 Q. Do you recall what he said? 10:41:50</p> <p>5 A. No, sir. 10:41:54</p> <p>6 Q. Did he say anything about your 10:41:54</p> <p>7 drinking? 10:41:56</p> <p>8 MR. NOVIKOFF: Objection. 10:41:57</p> <p>9 A. Not that I recall, no. 10:41:58</p> <p>10 Q. Paradiso ever discuss your drinking 10:42:00</p> <p>11 with you? 10:42:02</p> <p>12 A. No. No, sir. 10:42:03</p> <p>13 Q. So is it your testimony that at no 10:42:06</p> <p>14 point in time did Paradiso ever raise your 10:42:11</p> <p>15 drinking? 10:42:14</p> <p>16 A. Not that I can recall. 10:42:16</p> <p>17 MR. NOVIKOFF: Objection. 10:42:19</p> <p>18 Q. I believe you testified before about 10:42:23</p> <p>19 the tenure that you've had as a police officer. 10:42:32</p> <p>20 When did you first become a police 10:42:33</p> <p>21 officer? 10:42:37</p> <p>22 A. January of 1982. 10:42:37</p> <p>23 Q. And what police department did you 10:42:39</p> <p>24 become a police officer in 1982? 10:42:47</p> <p>25 A. New York City Police Department. 10:42:49</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 45</p> <p>1 G. Bosetti</p> <p>2 Q. Had you passed or had you graduated 10:42:53</p> <p>3 from the academy by that time in January of 10:42:56</p> <p>4 1982? 10:42:59</p> <p>5 A. Yes. 10:43:02</p> <p>6 Q. When did you graduate the academy? 10:43:03</p> <p>7 A. Probably June or July of 1982. 10:43:09</p> <p>8 Q. Of '82? 10:43:13</p> <p>9 A. Yes. 10:43:14</p> <p>10 Q. So as of January '82 you hadn't 10:43:18</p> <p>11 graduated yet, right? 10:43:20</p> <p>12 A. Well, January I took the oath to 10:43:21</p> <p>13 become a police officer. 10:43:24</p> <p>14 Q. And then they sponsored you for the 10:43:25</p> <p>15 academy? Is that how it works? 10:43:28</p> <p>16 A. Sponsor? 10:43:28</p> <p>17 Q. How does it work? 10:43:29</p> <p>18 You take the oath as a police officer 10:43:30</p> <p>19 in January of 1982, you -- 10:43:32</p> <p>20 A. You go into the police academy. 10:43:33</p> <p>21 Q. Then you go into the police academy? 10:43:35</p> <p>22 A. Yes. 10:43:38</p> <p>23 Q. So you were in the police academy 10:43:38</p> <p>24 from January through June, July of '82? 10:43:40</p> <p>25 A. Approximately. 10:43:42</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 Q. Other than for you -- well, strike 10:43:44
3 that. Was your brother in the same academy 10:43:51
4 class? 10:43:53
5 A. Yes. 10:43:54
6 Q. So other than for you and your 10:43:54
7 brother, were any other members from your class 10:43:57
8 in the academy, to your knowledge, ever been 10:44:00
9 employed at Ocean Beach? 10:44:03
10 A. From my academy? 10:44:04
11 Q. Yeah, from your academy class. 10:44:06
12 A. I know Arnie Hardman was working 10:44:18
13 Ocean Beach. I don't know if he was from my 10:44:26
14 class or not, so I'm not sure. 10:44:27
15 Q. And other than for Hardman, who you 10:44:34
16 know worked in the city but you don't know if he 10:44:38
17 was in your class, and you and your brother, 10:44:40
18 were any other New York City police officers who 10:44:43
19 you're aware of that were hired or worked at the 10:44:46
20 Ocean Beach Police Department? 10:44:48
21 A. From that class? 10:44:50
22 Q. No, generally. From the New York 10:44:53
23 City Police Department. 10:44:58
24 A. Yeah. There was Bill Embry, I think 10:44:58
25 he was a former police, New York City police 10:45:01
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1 G. Bosetti
2 officer. Geez, I can't think of their names. 10:45:04
3 Richie, Joey, Tommy. The last names just escape 10:45:13
4 me. I'm sorry. 10:45:29
5 Q. So other than for you and your 10:45:30
6 brother, Hardman, Embry, Richie, Joey and Tommy, 10:45:33
7 are there any other New York City police 10:45:37
8 officers who you know have been hired by the 10:45:40
9 Ocean Beach Police Department? 10:45:42
10 A. At this time that's all I can recall. 10:45:44
11 Q. Referring to Richie Bettenhauser? 10:45:49
12 A. Yes. 10:45:52
13 Q. Joe De Domenico? 10:45:54
14 A. Yes. 10:45:56
15 Q. Tommy Schorr? 10:45:56
16 A. Yes, sir. 10:45:59
17 Q. So those are the Richie, Joey and 10:46:00
18 Tommy that you referred to? 10:46:03
19 A. Yes, sir. 10:46:04
20 Q. Did you know Hardman when you worked 10:46:04
21 for the city? 10:46:08
22 A. Yes, sir. 10:46:09
23 Q. Did you ever work with him? 10:46:09
24 A. Yes, I did. 10:46:10
25 Q. Are you guys in the same precinct. 10:46:11
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1 G. Bosetti
2 A. Same unit. 10:46:14
3 Q. What unit was that? 10:46:15
4 A. We were both in the Emergency Service 10:46:16
5 Unit. 10:46:21
6 Q. Did you ever work with him when you 10:46:23
7 guys were in the same unit? 10:46:27
8 A. Yes. There was a Medical Unit that 10:46:28
9 was part of the ESU Unit that I worked with him. 10:46:30
10 Q. Did you ever go on a call with him 10:46:37
11 when you guys worked in the city together? 10:46:38
12 A. Yes. 10:46:40
13 Q. How many times? 10:46:42
14 A. Our paths crossed several times 10:46:46
15 maybe. 10:46:50
16 Q. Was he ever your partner in the city? 10:46:51
17 A. In the Medical Unit. We never really 10:46:53
18 had steady partners but we worked together a few 10:46:56
19 times, quite a few times. 10:46:59
20 Q. How about Embry? Did you ever work 10:47:01
21 with Embry while you were in the city? 10:47:03
22 A. No, sir. 10:47:04
23 Q. Did you know Embry -- 10:47:05
24 A. No. 10:47:05
25 Q. -- when you were in the city? 10:47:06
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1 G. Bosetti
2 A. No. 10:47:07
3 Q. Did you know Richie Bettenhauser when 10:47:07
4 you were in the city? 10:47:10
5 A. No. 10:47:10
6 Q. Did you know Joe De Domenico when you 10:47:10
7 were in the city? 10:47:13
8 A. No. 10:47:13
9 Q. And did you know Tommy Schorr when 10:47:14
10 you were in the city? 10:47:15
11 A. No, sir. 10:47:16
12 Q. Did you ever work with your brother 10:47:16
13 in the city? 10:47:17
14 A. Once or twice. 10:47:18
15 Q. You guys ever in the same precinct? 10:47:22
16 A. No, the same unit. 10:47:30
17 Q. Same unit? Same Emergency Services 10:47:32
18 Unit? 10:47:35
19 A. Different trucks but same unit. 10:47:35
20 Q. So let's sort of walk through how you 10:47:37
21 became a police officer in the city. 10:47:49
22 You were sworn in in January of 1982, 10:47:51
23 the day you went to the academy and graduated 10:47:57
24 June or July of 1982, correct? 10:47:59
25 A. Correct. 10:48:01
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1 G. Bosetti
2 Q. Did you take any other tests to 10:48:01
3 become a police officer? 10:48:04
4 A. I don't understand the question. 10:48:05
5 Q. Did you have to take any tests that 10:48:12
6 were required by New York City Civil Service? 10:48:14
7 MR. NOVIKOFF: Objection. 10:48:17
8 A. As far as like a psychological, 10:48:21
9 medical, things along those lines? 10:48:24
10 Q. Exactly. 10:48:27
11 A. Yes. 10:48:28
12 Q. What tests did you have to take in 10:48:29
13 connection with your employment as a New York 10:48:32
14 City police officer that were administered by or 10:48:35
15 through Civil Service? 10:48:37
16 MR. NOVIKOFF: Objection. 10:48:39
17 A. Through Civil Service. It was the 10:48:45
18 department. We had to take the medical, 10:48:47
19 physical, psychological. I think that's about 10:48:49
20 it. 10:48:55
21 Q. Did they do a background check on 10:48:55
22 you? 10:48:57
23 A. Of course, sure. 10:48:57
24 Q. Did you have to take a polygraph? 10:48:58
25 A. No, not for the city. 10:49:05
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1 G. Bosetti
2 A. When you applied for the job. 10:50:09
3 Q. It's on the application? 10:50:11
4 A. That I don't recall. 10:50:12
5 Q. Someone told you about it when you 10:50:15
6 applied for the job? 10:50:18
7 A. Exactly how, I really can't say. I 10:50:19
8 don't remember. It's just something you had to 10:50:22
9 do. 10:50:25
10 Q. But you were informed at some point 10:50:25
11 prior to being on the force that you had to take 10:50:27
12 those tests? 10:50:29
13 A. I think it was just common knowledge. 10:50:30
14 Q. Do you know what the purpose of the 10:50:41
15 psychological test is? 10:50:43
16 MR. NOVIKOFF: Objection. 10:50:46
17 A. What is the purpose? 10:50:46
18 Q. Yeah. 10:50:48
19 A. To see if you're psychologically fit. 10:50:48
20 Q. You think that's important to know 10:50:51
21 for a police officer? 10:50:53
22 A. Yes. 10:50:56
23 MR. NOVIKOFF: Objection. 10:50:56
24 Q. Do you know what the purpose of the 10:50:57
25 physical was for? 10:51:00
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1 G. Bosetti
2 Q. Not for the city? 10:49:07
3 A. No. 10:49:09
4 Q. Did you take the medical, physical, 10:49:09
5 psychological and background checks, were those 10:49:15
6 done prior to you actually being on the force? 10:49:18
7 A. I believe they were supposed to be, 10:49:25
8 but it was a very big class so the investigation 10:49:28
9 might have continued through the time we were in 10:49:31
10 the academy. 10:49:35
11 Q. What was your understanding as to why 10:49:36
12 they were supposed to have been done prior to 10:49:40
13 being on the force? 10:49:42
14 A. I just thought that's the way they 10:49:43
15 would do it. I don't know. 10:49:51
16 Q. Did someone ever tell you that or did 10:49:52
17 you read that somewhere? 10:49:55
18 A. No, no. 10:49:56
19 Q. How did you learn of those 10:49:57
20 requirements? 10:50:00
21 A. How did I learn? 10:50:01
22 Q. Yes. 10:50:04
23 A. The requirements? 10:50:05
24 Q. The requirements that you had to take 10:50:07
25 those tests. 10:50:08
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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 10:51:01
3 A. Yes. 10:51:01
4 Q. And what's the purpose? 10:51:02
5 MR. NOVIKOFF: Objection. 10:51:03
6 A. So you're capable of carrying out 10:51:05
7 your duties as a police officer. 10:51:07
8 Q. You think it's important to know that 10:51:09
9 prior to somebody being on the force? 10:51:11
10 A. It's important that you're always in 10:51:16
11 good physical condition but for any job. 10:51:18
12 Q. Do you know what the purpose of 10:51:23
13 requiring a medical examination is? 10:51:27
14 MR. NOVIKOFF: Objection. 10:51:29
15 A. That you're in good health. 10:51:31
16 Q. You think that's important for a 10:51:33
17 police officer? 10:51:37
18 MR. NOVIKOFF: Objection. 10:51:37
19 A. I would think, yes. 10:51:38
20 Q. Do you know what the purpose of the 10:51:39
21 background check is? 10:51:42
22 MR. NOVIKOFF: Objection. 10:51:43
23 A. Yes. 10:51:45
24 Q. And what was the purpose of the 10:51:46
25 background check? 10:51:47
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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 10:51:50
3 A. To see if you were a fit person to 10:51:50
4 become a police officer. 10:51:54
5 Q. Again, do you think it's important to 10:51:55
6 know somebody is a fit person to become a police 10:51:58
7 officer? 10:52:02
8 MR. NOVIKOFF: Objection. 10:52:02
9 A. Yes. 10:52:03
10 Q. Did you have to pass any Civil 10:52:03
11 Service exams prior to taking the job as a 10:52:06
12 police officer, meaning a written exam? 10:52:09
13 MR. NOVIKOFF: Objection. 10:52:11
14 A. There was the test to become a police 10:52:12
15 officer, yes. 10:52:13
16 Q. Was it a written test? 10:52:14
17 A. I believe it was, yes. 10:52:15
18 Q. Is that through Civil Service or is 10:52:18
19 that from the department, if there's a 10:52:20
20 distinction? 10:52:22
21 A. Geez, honestly I don't know. 10:52:22
22 Q. Did you need to obtain any kind of 10:52:25
23 firearm or pistol license? 10:52:31
24 A. You obtained it through the 10:52:33
25 department. 10:52:35
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1 G. Bosetti
2 Q. What precincts were you assigned to 10:52:39
3 as a police officer in New York City? 10:52:41
4 A. The 79, the 77, the 90, ESU Truck 7, 10:52:43
5 ESU Truck 9 and the Medical Unit. 10:52:56
6 Q. Do you think it's important to know 10:53:03
7 that police officer that you're working with 10:53:12
8 went through the same tests that you did. 10:53:14
9 MR. NOVIKOFF: Objection. 10:53:15
10 A. Was it important to know? 10:53:16
11 Q. Yes. 10:53:22
12 A. Everybody had to do it. 10:53:22
13 Q. Do you think it's important to know 10:53:23
14 that the person that you're partnered with also 10:53:24
15 went through those tests to make sure they were 10:53:27
16 physically fit, psychologically fit, medically 10:53:30
17 fit, had background check, was fit to become a 10:53:33
18 police officer? 10:53:37
19 MR. NOVIKOFF: Objection. 10:53:37
20 A. I would think so, yes. 10:53:38
21 Q. Where is the 79? 10:53:40
22 A. Bed-Stuyvesant. 10:53:45
23 Q. Was that the first precinct you 10:53:49
24 were -- 10:53:51
25 A. Assigned to. 10:53:51
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1 G. Bosetti
2 Q. -- assigned to? 10:53:52
3 How long were you in Bed-Stuy for? 10:53:54
4 A. I covered the 79 and the 77 for about 10:53:56
5 six to eight months I guess. That was my 10:54:04
6 training, those two precincts. 10:54:07
7 Q. Where is the 77? 10:54:08
8 A. I think that's Brownsville. 10:54:10
9 Q. So between the 79 and the 77 you were 10:54:14
10 there for six to eight months? 10:54:17
11 A. Yes. 10:54:18
12 Q. And where is the 90? 10:54:19
13 A. Williamsburg. 10:54:20
14 Q. How long were you assigned to 10:54:22
15 Williamsburg for? 10:54:24
16 A. Approximately three to four years. 10:54:25
17 Q. How did it come about that that's 10:54:31
18 where you were assigned to? Is it something 10:54:35
19 that you request or you just get randomly 10:54:37
20 selected? 10:54:39
21 A. Orders come down. 10:54:39
22 Q. And where were you assigned after the 10:54:41
23 Williamsburg 90 Precinct? 10:54:48
24 A. After that I went to Truck 7, ESU 10:54:50
25 Truck 7, East New York. 10:54:54
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1 G. Bosetti
2 Q. How long were you assigned to ESU 10:54:56
3 Truck 7? 10:55:02
4 A. Eight to nine years. 10:55:02
5 Q. Was that out of a precinct in East 10:55:10
6 New York or is there an Emergency Services Unit 10:55:17
7 that's separate from the police precinct? 10:55:19
8 A. Well, it's separate but it's 10:55:21
9 basically the same building. 10:55:24
10 Q. As which precinct? 10:55:25
11 A. Seven five. 10:55:27
12 MR. NOVIKOFF: Seven five? 10:55:29
13 THE WITNESS: Seven five, yes. 10:55:30
14 Q. Did your brother work at the 75 at 10:55:33
15 that time? 10:55:40
16 A. No. 10:55:40
17 Q. And when were you assigned to the ESU 10:55:41
18 Truck 9? 10:55:53
19 A. Oh, boy. I don't remember. I was 10:55:54
20 injured so I worked in the office for a while. 10:55:56
21 I really don't remember. 10:56:02
22 Q. Injured on the job? 10:56:05
23 A. Yes. 10:56:06
24 Q. How were you injured? 10:56:07
25 A. Actually moving a trailer, I ripped 10:56:09
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<p>Contains Confidential Portions</p> <p>Page 58</p> <p>1 G. Bosetti</p> <p>2 up my rotator cuff. 10:56:14</p> <p>3 Q. Just so I get the time line, so you 10:56:20</p> <p>4 were in Truck -- assigned to Truck 7 for eight 10:56:25</p> <p>5 to nine years, then you tore your rotator cuff 10:56:28</p> <p>6 and had office duty? 10:56:31</p> <p>7 A. Yeah, for about a year. 10:56:32</p> <p>8 Q. And then after a year you were 10:56:34</p> <p>9 assigned to the ESU Truck 9? 10:56:35</p> <p>10 A. Yes. 10:56:39</p> <p>11 Q. And where is ESU Truck 9 out of? 10:56:40</p> <p>12 A. The 113. 10:56:42</p> <p>13 Q. Which is where? 10:56:46</p> <p>14 A. Geez, I'm not sure. Rosedale I 10:56:47</p> <p>15 think. 10:56:52</p> <p>16 Q. Rosedale? 10:56:52</p> <p>17 A. Yes. 10:56:53</p> <p>18 Q. How long were you in ESU Truck 9? 10:56:53</p> <p>19 A. Maybe a year. 10:56:57</p> <p>20 Q. When you were working at ESU Truck 7 10:57:06</p> <p>21 which had the same building as the 75 Precinct, 10:57:19</p> <p>22 did you work with Michael Dowd at all? 10:57:23</p> <p>23 A. Yes. 10:57:25</p> <p>24 Did I work with him or do I know him? 10:57:27</p> <p>25 Q. Well, why don't we start with do you 10:57:29</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 59</p> <p>1 G. Bosetti</p> <p>2 know him. 10:57:31</p> <p>3 A. Do I know him. 10:57:31</p> <p>4 Q. Yes. 10:57:31</p> <p>5 A. I know of him, yes. 10:57:33</p> <p>6 Q. Did he work there at the same time 10:57:34</p> <p>7 that you were assigned to Truck 7? 10:57:36</p> <p>8 A. I don't think so, no. I don't know. 10:57:38</p> <p>9 Q. Who is Michael Dowd? 10:57:40</p> <p>10 A. One of the most corrupt cops in the 10:57:42</p> <p>11 City of New York. A dirtbag. 10:57:45</p> <p>12 Q. You never went on a call with him? 10:57:48</p> <p>13 A. No. 10:57:49</p> <p>14 MR. GOODSTADT: Something funny about 10:57:56</p> <p>15 that? 10:57:57</p> <p>16 MR. NOVIKOFF: I think that question 10:57:58</p> <p>17 is a joke. 10:57:59</p> <p>18 MR. GOODSTADT: How come? 10:57:59</p> <p>19 MR. NOVIKOFF: That's why I laughed. 10:58:00</p> <p>20 The fact that you're trying -- 10:58:02</p> <p>21 MR. GOODSTADT: I'm not trying to do 10:58:04</p> <p>22 anything. 10:58:06</p> <p>23 MR. NOVIKOFF: You are. You're 10:58:06</p> <p>24 trying to somehow besmirch this decorated 10:58:06</p> <p>25 police officer by bringing up a corrupt cop 10:58:09</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 60</p> <p>1 G. Bosetti</p> <p>2 that worked in his precinct to somehow make 10:58:12</p> <p>3 a link that while he worked at Ocean Beach 10:58:14</p> <p>4 he was corrupt. 10:58:17</p> <p>5 MR. GOODSTADT: I'm just seeing if 10:58:18</p> <p>6 there was a link between the two. That's 10:58:19</p> <p>7 it. I didn't make any link. That's why I 10:58:22</p> <p>8 asked the question. 10:58:23</p> <p>9 MR. NOVIKOFF: You asked me what I 10:58:23</p> <p>10 was laughing about and that's why I was 10:58:24</p> <p>11 laughing. 10:58:26</p> <p>12 MR. GOODSTADT: Okay. Just asking 10:58:26</p> <p>13 whether he knew him. He doesn't know 10:58:29</p> <p>14 him -- 10:58:30</p> <p>15 MR. NOVIKOFF: You can do better than 10:58:33</p> <p>16 that. 10:58:34</p> <p>17 BY MR. GOODSTADT: 10:58:35</p> <p>18 Q. While you were employed by the -- 10:58:35</p> <p>19 MR. NOVIKOFF: Did you have a good 10:58:37</p> <p>20 faith basis to believe that he did work for 10:58:38</p> <p>21 Michael Dowd or that he was involved in any 10:58:40</p> <p>22 of the corruption involving Michael Dowd? 10:58:42</p> <p>23 Because if you don't have a good 10:58:44</p> <p>24 faith belief, then I don't see the point of 10:58:45</p> <p>25 asking the question. 10:58:47</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 61</p> <p>1 G. Bosetti</p> <p>2 MR. GOODSTADT: I never asked him 10:58:47</p> <p>3 whether he was involved in any corruption 10:58:48</p> <p>4 because he had said he never worked with 10:58:50</p> <p>5 him or knew him. 10:58:51</p> <p>6 My good faith basis to ask whether he 10:58:52</p> <p>7 knew him or worked with him was the fact 10:58:53</p> <p>8 they both worked at the same precinct, so 10:58:55</p> <p>9 that's a pretty good faith basis. 10:58:58</p> <p>10 BY MR. GOODSTADT: 10:59:02</p> <p>11 Q. While you were employed by the New 10:59:03</p> <p>12 York City Police Department, did you work any 10:59:05</p> <p>13 other jobs? 10:59:06</p> <p>14 A. No. Not that I can recall, no. 10:59:12</p> <p>15 Q. You never worked security anywhere or 10:59:15</p> <p>16 as a bouncer or anything like that? 10:59:17</p> <p>17 A. As a bouncer, no, no. Never a 10:59:18</p> <p>18 bouncer, no. 10:59:20</p> <p>19 Q. Did you ever work security anywhere? 10:59:21</p> <p>20 A. I'm trying to recall if -- I think it 10:59:23</p> <p>21 was after I retired but I really don't remember. 10:59:26</p> <p>22 In fact I think no. 10:59:30</p> <p>23 Q. Were you ever disciplined by the New 10:59:34</p> <p>24 York City Police Department? 10:59:44</p> <p>25 MR. NOVIKOFF: Objection. 10:59:44</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 62</p> <p>1 G. Bosetti</p> <p>2 A. Disciplined? Not that I can recall, 10:59:49</p> <p>3 no. 10:59:51</p> <p>4 Q. Did you ever receive any verbal or 10:59:51</p> <p>5 written discipline while you were an employee at 10:59:54</p> <p>6 the New York City Police Department? 10:59:57</p> <p>7 MR. NOVIKOFF: Objection to form. 10:59:59</p> <p>8 A. I mean everybody gets some kind of 11:00:02</p> <p>9 verbal, you know. 11:00:04</p> <p>10 What circumstances, I don't recall. 11:00:08</p> <p>11 Q. So sitting here today, your testimony 11:00:12</p> <p>12 is that you've gotten -- you believe you got 11:00:15</p> <p>13 verbally disciplined but you don't recall what 11:00:17</p> <p>14 it was for? 11:00:19</p> <p>15 MR. NOVIKOFF: Objection. 11:00:20</p> <p>16 A. That's -- I don't know how to answer 11:00:23</p> <p>17 that. I don't know how to answer that question. 11:00:30</p> <p>18 Q. Well, what about it don't you know 11:00:33</p> <p>19 how to answer? 11:00:35</p> <p>20 A. Rephrase it for me. 11:00:35</p> <p>21 Q. Okay. Sure. 11:00:36</p> <p>22 You testified that everybody gets 11:00:37</p> <p>23 disciplined at some point, correct? 11:00:38</p> <p>24 MR. NOVIKOFF: Objection. His 11:00:40</p> <p>25 testimony is what it is. 11:00:42</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 63</p> <p>1 G. Bosetti</p> <p>2 BY MR. GOODSTADT: 11:00:44</p> <p>3 Q. Is that correct? 11:00:44</p> <p>4 A. What do you mean by disciplined? 11:00:47</p> <p>5 MR. NOVIKOFF: Thank you. 11:00:49</p> <p>6 Q. Well, I asked you if you received any 11:00:50</p> <p>7 verbal discipline and you said everybody 11:00:52</p> <p>8 receives verbal discipline, correct? 11:00:54</p> <p>9 MR. NOVIKOFF: I object. 11:00:57</p> <p>10 MR. CONNOLLY: You need to establish 11:00:58</p> <p>11 the two of you have the same understanding. 11:00:59</p> <p>12 MR. NOVIKOFF: Yeah. That was even 11:01:01</p> <p>13 my form objection. When you use the word 11:01:02</p> <p>14 "discipline," it's very broad. It could 11:01:04</p> <p>15 mean you threw coffee on a wall and... 11:01:06</p> <p>16 BY MR. GOODSTADT: 11:01:08</p> <p>17 Q. Do you know what the word 11:01:08</p> <p>18 "discipline" means? 11:01:09</p> <p>19 A. I know what the word "discipline" 11:01:11</p> <p>20 means. 11:01:11</p> <p>21 Q. What's your understanding of the word 11:01:12</p> <p>22 "discipline"? 11:01:14</p> <p>23 A. There's many definitions of it what 11:01:15</p> <p>24 is your definition of it. 11:01:18</p> <p>25 Q. When I say the word "discipline," 11:01:20</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 64</p> <p>1 G. Bosetti</p> <p>2 what do you think of when I say the word 11:01:22</p> <p>3 "discipline"? 11:01:24</p> <p>4 A. I was scolded for bringing the RMP 11:01:25</p> <p>5 back without enough gas in it. 11:01:31</p> <p>6 Q. And when you say "scolded," what do 11:01:40</p> <p>7 you mean by that? 11:01:43</p> <p>8 A. I should have filled up the tank. 11:01:43</p> <p>9 Q. Did somebody yell at you? Did 11:01:45</p> <p>10 somebody write you up for it? 11:01:48</p> <p>11 A. No, nobody wrote me up for it. 11:01:49</p> <p>12 Q. So somebody told you that you should 11:01:51</p> <p>13 have filled up the truck? 11:01:53</p> <p>14 A. Yeah. 11:01:54</p> <p>15 Q. A superior officer told you that? 11:01:55</p> <p>16 A. Yes. 11:01:56</p> <p>17 Q. Okay. Were you ever -- using that 11:01:57</p> <p>18 understanding as discipline, were you ever 11:02:02</p> <p>19 disciplined on any other occasion? 11:02:04</p> <p>20 A. Not that I can recall. 11:02:06</p> <p>21 Q. Did you ever receive any written 11:02:07</p> <p>22 discipline from the New York City Police 11:02:11</p> <p>23 Department? 11:02:14</p> <p>24 MR. NOVIKOFF: Objection. 11:02:14</p> <p>25 A. Not that I can recall, no. 11:02:15</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 65</p> <p>1 G. Bosetti</p> <p>2 Q. Were there ever any claims or charges 11:02:16</p> <p>3 brought against you when you were employed by 11:02:20</p> <p>4 the New York City Police Department? 11:02:22</p> <p>5 MR. NOVIKOFF: Objection to form. 11:02:23</p> <p>6 A. Not that I can recall. 11:02:25</p> <p>7 Q. Were you ever investigated by 11:02:26</p> <p>8 Internal Affairs? 11:02:28</p> <p>9 A. No, sir. 11:02:29</p> <p>10 Q. So after you were assigned to the ESU 11:02:30</p> <p>11 Truck 9, what was your next assignment from the 11:02:42</p> <p>12 New York Police Department? 11:02:45</p> <p>13 A. ESU Medical Unit. 11:02:46</p> <p>14 Q. What does that mean? 11:02:48</p> <p>15 A. It's a unit where we take care of 11:02:49</p> <p>16 injured police officers, retired cops. 11:02:54</p> <p>17 Q. Where were you stationed or assigned 11:03:02</p> <p>18 when you were in the ESU Medical Unit? 11:03:06</p> <p>19 A. Astoria. 11:03:09</p> <p>20 Q. How long were you there for? 11:03:11</p> <p>21 A. Oh, boy. Approximately eight years I 11:03:12</p> <p>22 would think. 11:03:19</p> <p>23 Q. Was Hani Khattat part of that unit? 11:03:21</p> <p>24 A. I'm sorry? 11:03:21</p> <p>25 Q. Was Hani Khattat part of that unit? 11:03:21</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 66</p> <p>1 G. Bosetti</p> <p>2 A. Oh, yes, yes. 11:03:26</p> <p>3 Q. A police officer? 11:03:30</p> <p>4 A. I forgot to mention him, yes. He 11:03:31</p> <p>5 also worked in Ocean Beach. 11:03:33</p> <p>6 Q. Did you work with Mr. Khattat when 11:03:34</p> <p>7 you were in that unit? 11:03:37</p> <p>8 A. Occasionally. We didn't have set 11:03:39</p> <p>9 partners. 11:03:43</p> <p>10 Q. Are you friends with Mr. Khattat? 11:03:47</p> <p>11 A. We don't hang out together if that's 11:03:51</p> <p>12 what you're asking, but we know each other. 11:03:55</p> <p>13 Q. Did you get along well when you guys 11:03:58</p> <p>14 worked in the ESU Medical Unit together? 11:04:01</p> <p>15 A. Yes. 11:04:02</p> <p>16 Q. Were you assigned anywhere else after 11:04:03</p> <p>17 of ESU Medical Unit? 11:04:12</p> <p>18 A. The World Trade Center hit and then I 11:04:18</p> <p>19 was assigned to Floyd Bennett Field for a while, 11:04:22</p> <p>20 and I retired out of there. 11:04:27</p> <p>21 Q. What's Floyd Bennett Field? 11:04:34</p> <p>22 A. It's where we do our training and 11:04:35</p> <p>23 have our equipment. 11:04:39</p> <p>24 Q. What were you doing there? 11:04:42</p> <p>25 A. I was working in the office and I was 11:04:43</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 67</p> <p>1 G. Bosetti</p> <p>2 retiring. 11:04:48</p> <p>3 Q. So when you were in the ESU Medical 11:04:49</p> <p>4 Unit, were you actually going out on calls or 11:04:55</p> <p>5 were you treating injured or retired police 11:04:57</p> <p>6 officers back at the hospital or the station or 11:05:00</p> <p>7 whatever medical facility you were at? 11:05:02</p> <p>8 A. We were treating injured and retired 11:05:03</p> <p>9 police officers. 11:05:05</p> <p>10 Q. So you didn't go out on any calls? 11:05:06</p> <p>11 A. No. 11:05:08</p> <p>12 Q. And same thing at Floyd Bennett 11:05:13</p> <p>13 Field? 11:05:19</p> <p>14 A. Yes. 11:05:19</p> <p>15 Q. You just do office work or was there 11:05:19</p> <p>16 any active police work other for the office 11:05:21</p> <p>17 work? 11:05:24</p> <p>18 A. No. At that time it was, you know, 11:05:24</p> <p>19 it was the Trade Center was the focus so... 11:05:28</p> <p>20 Q. And when did you retire? 11:05:32</p> <p>21 A. January of '02. 11:05:33</p> <p>22 Q. Did you retire voluntarily? 11:05:43</p> <p>23 A. Yes. 11:05:45</p> <p>24 Q. With a full pension? 11:05:48</p> <p>25 A. Yes. 11:05:51</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 68</p> <p>1 G. Bosetti</p> <p>2 Q. And after you retired, did you have 11:05:51</p> <p>3 any police credentials other than for as a 11:05:57</p> <p>4 retired police officer? 11:06:00</p> <p>5 MR. NOVIKOFF: Objection. 11:06:02</p> <p>6 A. After I retired? 11:06:03</p> <p>7 Q. After you retired from the New York 11:06:04</p> <p>8 City Police Department, did you have any police 11:06:08</p> <p>9 credentials? 11:06:09</p> <p>10 A. I don't understand the question. 11:06:10</p> <p>11 Q. Meaning were you a civilian after you 11:06:12</p> <p>12 retired from the police department? 11:06:16</p> <p>13 MR. NOVIKOFF: Objection. 11:06:17</p> <p>14 Q. Did you have a job outside of being a 11:06:19</p> <p>15 civilian? 11:06:21</p> <p>16 MR. NOVIKOFF: Objection. 11:06:22</p> <p>17 A. When I retired from the NYPD? 11:06:23</p> <p>18 Q. Yes. 11:06:32</p> <p>19 A. I don't recall what I did. I think I 11:06:32</p> <p>20 went, after a couple of months I went into Ocean 11:06:39</p> <p>21 Beach. 11:06:42</p> <p>22 Q. So between the time you retired from 11:06:43</p> <p>23 the NYPD and go into Ocean Beach, were you a 11:06:48</p> <p>24 civilian? 11:06:50</p> <p>25 MR. NOVIKOFF: Objection. 11:06:51</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 69</p> <p>1 G. Bosetti</p> <p>2 A. Yes. 11:06:52</p> <p>3 Q. When were you hired for Ocean Beach 11:06:56</p> <p>4 Police Department? 11:07:10</p> <p>5 A. I'm not sure if it was April. 11:07:14</p> <p>6 Approximately April of 2002. 11:07:20</p> <p>7 Q. And how did you go about learning 11:07:26</p> <p>8 that there was an opening there? 11:07:28</p> <p>9 A. Hani. 11:07:30</p> <p>10 Q. Hani Khattat? 11:07:33</p> <p>11 A. Yes. 11:07:35</p> <p>12 Q. And how did he alert you to the 11:07:38</p> <p>13 opening? 11:07:40</p> <p>14 A. I don't know if he called me up and 11:07:41</p> <p>15 told me. 11:07:45</p> <p>16 Q. Had he been working there already? 11:07:47</p> <p>17 A. Who was that? 11:07:49</p> <p>18 Q. Mr. Khattat at the time that he 11:07:50</p> <p>19 called you. 11:07:52</p> <p>20 A. Was he working there? 11:07:52</p> <p>21 Q. Yes. 11:07:52</p> <p>22 A. No. 11:07:54</p> <p>23 Q. Do you recall what he told you when 11:07:54</p> <p>24 you learned that there was an opening? 11:08:00</p> <p>25 A. No, I don't recall our conversation. 11:08:01</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 Q. Did you know any cops in Ocean Beach 11:08:05
3 at that time? 11:08:08
4 A. No, sir. 11:08:11
5 Q. Did you go about applying for that 11:08:13
6 position? 11:08:18
7 A. I had an interview, yes. 11:08:19
8 Q. So tell me how you first contacted 11:08:22
9 Ocean Beach to let them know that you were 11:08:25
10 interested in the position that Mr. Khattat told 11:08:27
11 you about? 11:08:29
12 A. Oh, boy. I'm not sure if it was a 11:08:30
13 phone call or what happened, but I went down and 11:08:33
14 spoke to Chief Paradiso. 11:08:38
15 Q. Was it something you had scheduled or 11:08:44
16 you just went down there? 11:08:47
17 A. I believe there was a, now I'm 11:08:48
18 thinking about it, a meeting in the spring where 11:08:51
19 they would hire police officers for the season. 11:08:54
20 Q. Do you know how Hani Khattat knew 11:09:01
21 there was an opening there if he wasn't working 11:09:05
22 there? 11:09:07
23 A. That I don't know. 11:09:07
24 Q. Did he work at any fire departments 11:09:08
25 out on the island? 11:09:11
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1 G. Bosetti
2 A. I don't know. He might have. 11:09:12
3 Q. But you're not aware one way or the 11:09:17
4 other? 11:09:19
5 A. I don't want to say for sure. I 11:09:19
6 think he did. I think he was a volly but I'm 11:09:21
7 not sure. 11:09:23
8 Q. Did you say "volly"? 11:09:24
9 A. Volunteer. 11:09:27
10 Q. Do you know what department he was a 11:09:28
11 volunteer for? 11:09:29
12 A. No. 11:09:30
13 Q. Do you know whether he worked at East 11:09:30
14 Islip Fire Department? 11:09:34
15 A. I have no idea. 11:09:34
16 Q. How did you learn that there was a 11:09:35
17 meeting in the spring of 2002? 11:09:41
18 A. Again, I don't know if Hani told me 11:09:43
19 or we called up and got it from the chief. I 11:09:48
20 don't recall. 11:09:50
21 Q. What do you mean when you say "we 11:09:50
22 called up"? Who called up? 11:09:52
23 A. Myself and my brother both went down 11:09:54
24 at the same time. 11:09:57
25 Q. So you went to this meeting in the 11:09:58
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1 G. Bosetti
2 spring; is that correct? 11:10:01
3 A. Yes, sir. 11:10:04
4 Q. And you had an interview you 11:10:05
5 testified to? 11:10:12
6 A. I'm sorry -- 11:10:12
7 Q. You testified that you had an 11:10:12
8 interview with the chief; is that correct? 11:10:13
9 MR. NOVIKOFF: Objection. 11:10:14
10 A. I believe so, yeah. 11:10:15
11 Q. And the chief was Edward Paradiso at 11:10:16
12 the time? 11:10:18
13 A. Yes. 11:10:18
14 Q. Did you meet with him before or after 11:10:19
15 this meeting in the spring? For your interview 11:10:22
16 I'm talking about. 11:10:26
17 A. I think it was all around the same 11:10:29
18 time. 11:10:32
19 Q. So your interview -- strike that. 11:10:32
20 The spring meeting, is that the 11:10:36
21 pre-season department meeting they had every 11:10:38
22 year? 11:10:41
23 A. I believe so, yes. 11:10:41
24 Q. And so you don't recall whether your 11:10:42
25 interview happened before or after the 11:10:45
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1 G. Bosetti
2 department meeting? 11:10:49
3 MR. NOVIKOFF: Objection. 11:10:50
4 A. I don't recall. I would have to take 11:10:52
5 a guess and say after, but I'm not sure. 11:10:56
6 Q. Did you actually attend the 11:10:58
7 department meeting? 11:11:00
8 A. I'm sorry? 11:11:00
9 Q. Did you attend the department 11:11:00
10 meeting? 11:11:02
11 A. Excuse me. I think so. Again, I'm 11:11:02
12 not sure, but I think so. 11:11:10
13 Q. Who ran the meeting? 11:11:12
14 A. It would be Chief Paradiso. 11:11:14
15 Q. How many people were at the meeting? 11:11:15
16 A. I don't recall. 11:11:18
17 Q. Approximately. 11:11:19
18 A. I don't know. 11:11:20
19 Q. Well, what -- other than for police 11:11:21
20 officers, was there anyone else at the meeting? 11:11:25
21 MR. NOVIKOFF: Objection. 11:11:27
22 A. I don't recall, sorry. 11:11:28
23 Q. You don't recall if dispatchers were 11:11:29
24 there or dock masters? 11:11:31
25 A. That I don't know. 11:11:32
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1 G. Bosetti
2 Q. Let's go back to your interview with 11:11:33
3 Paradiso. Was he the only person you 11:11:41
4 interviewed with? 11:11:44
5 A. I believe so. 11:11:45
6 Q. And did he offer you a job at the 11:11:46
7 interview? 11:11:50
8 A. Yes. 11:11:51
9 Q. On the same day or actually at the 11:11:53
10 interview? 11:11:56
11 A. I believe so. 11:11:56
12 Q. Did he tell you any requirements for 11:11:57
13 becoming a police officer in the Ocean Beach 11:12:02
14 Police Department at that time? 11:12:06
15 A. Oh, God. I don't recall. 11:12:06
16 Q. You don't recall one way or the 11:12:08
17 other whether he told that you had to complete 11:12:10
18 Civil Service requirements? 11:12:13
19 MR. NOVIKOFF: Objection. 11:12:14
20 A. Being that I just retired, that I was 11:12:18
21 still, gosh, I can't think of the correct word, 11:12:20
22 but certified. I don't think that's the right 11:12:26
23 word. Because I just recently retired from the 11:12:29
24 NYPD. 11:12:32
25 Q. He said that to you or that's what 11:12:44
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1 G. Bosetti
2 you thought? 11:12:48
3 MR. NOVIKOFF: Objection. 11:12:48
4 A. Again, I'm not sure. 11:12:49
5 Q. Do you recall Paradiso ever telling 11:12:52
6 you that because you just retired that you'd be 11:12:54
7 certified to work in the Ocean Beach Police 11:12:55
8 Department? 11:13:05
9 A. You know, I'm not sure. I don't 11:13:05
10 know. 11:13:07
11 Q. Do you recall anything that was 11:13:08
12 discussed during your interview with Paradiso? 11:13:09
13 A. Not too much, no. 11:13:13
14 Q. What do you recall? 11:13:15
15 A. Very vague. Just going over duties, 11:13:17
16 responsibilities. 11:13:26
17 Q. Anything else? 11:13:33
18 A. That's about it. No, that's about 11:13:34
19 it. 11:13:35
20 Q. Do you recall what he told you about 11:13:35
21 the duties and responsibilities? 11:13:37
22 A. I'm sorry? 11:13:35
23 Q. You recall what he told you about the 11:13:35
24 duties and responsibilities? 11:13:40
25 A. Do I recall? 11:13:41
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1 G. Bosetti
2 Q. Yeah. 11:13:41
3 A. No, sir. 11:13:42
4 Q. You don't recall anything that he 11:13:42
5 told you about the duties and responsibilities? 11:13:44
6 A. Not particularly. Not specifically I 11:13:46
7 should say, no. 11:13:50
8 Q. Do you recall generally what he told 11:13:51
9 you about the duties and responsibilities? 11:13:52
10 A. Basically same as any other police 11:13:53
11 officer, you know, to protect the public. 11:13:58
12 Q. So your understanding of what he told 11:14:04
13 you, just so I'm clear, your understanding of 11:14:06
14 what he told about the duties and 11:14:08
15 responsibilities were the same basic duties and 11:14:09
16 responsibilities as the New York City Police 11:14:13
17 Department? 11:14:13
18 A. Yes. 11:14:15
19 MR. NOVIKOFF: Objection. 11:14:15
20 Q. Yes? 11:14:16
21 A. Yes. 11:14:16
22 Q. And you testified that he actually 11:14:22
23 offered you a position that day, correct? 11:14:24
24 MR. NOVIKOFF: Objection. 11:14:27
25 A. Yes. 11:14:28
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1 G. Bosetti
2 Q. It was Paradiso who actually offered 11:14:29
3 you the position? 11:14:30
4 MR. NOVIKOFF: Objection. 11:14:31
5 A. Yes. 11:14:32
6 Q. Do you know whether he had gotten any 11:14:32
7 approvals from anyone else? 11:14:34
8 MR. NOVIKOFF: Objection. 11:14:36
9 Foundation. 11:14:37
10 A. That I don't know. 11:14:40
11 Q. What position did he hire you for? 11:14:41
12 A. Police officer. 11:14:45
13 Q. A full-time police officer? 11:14:47
14 A. No. 11:14:48
15 Q. Part time? 11:14:49
16 A. Part time. 11:14:49
17 Q. What's your understanding of what a 11:14:52
18 part-time police officer is in Ocean Beach? 11:14:58
19 A. I work when they need me. 11:15:00
20 Q. Both on the season and off the 11:15:07
21 season? 11:15:10
22 A. Yes. 11:15:11
23 Q. Do you understand what the season is 11:15:11
24 when I say the word "season" as it relates to 11:15:14
25 Ocean Beach? 11:15:17
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1 G. Bosetti
2 A. My definition of season is the 11:15:17
3 summertime when it's busy. 11:15:20
4 Q. Okay. Is there a -- why don't we 11:15:22
5 just get an understanding of the time frame 11:15:24
6 because there's going to be a lot of questions 11:15:26
7 about it, on season and off season. 11:15:28
8 When you say the summertime, what 11:15:29
9 period are you referring to? As it relates to 11:15:31
10 Memorial Day and Labor Day. 11:15:38
11 A. Yeah, pretty much so. 11:15:39
12 Q. From Memorial Day to Labor Day? 11:15:39
13 A. Yeah. 11:15:41
14 Q. So just so I'm clear, your 11:15:43
15 understanding is that he hired you as a or 11:15:55
16 offered you a position as a part-time police 11:15:58
17 officer for Ocean Beach? 11:16:01
18 MR. NOVIKOFF: Objection. 11:16:01
19 A. Yes. 11:16:02
20 Q. Did you accept that position? 11:16:02
21 A. Yes, I did. 11:16:04
22 Q. On the spot? 11:16:05
23 A. Hmm. 11:16:07
24 Q. Or did you have to call him back 11:16:10
25 later? 11:16:12

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1 G. Bosetti
2 A. I don't recall. That I don't recall. 11:16:13
3 Q. Did your brother interview that day 11:16:15
4 also with the chief? 11:16:17
5 A. Yes. 11:16:18
6 Q. Together or did you do it separately? 11:16:19
7 A. I think it was together. 11:16:21
8 Q. Your brother was offered a job that 11:16:26
9 day as well? 11:16:29
10 A. I believe so, yeah. 11:16:29
11 Q. By the chief? 11:16:30
12 A. Yes. 11:16:31
13 Q. Did Chief Paradiso offer you guys the 11:16:32
14 job at the same time or did he do it separately? 11:16:34
15 A. I think it was at the same time. 11:16:37
16 Q. Was anybody else interviewing with 11:16:40
17 the two of you at that time? 11:16:43
18 A. I don't think so. 11:16:44
19 Q. Do you know whether any other 11:16:46
20 officers were hired that year other than for you 11:16:47
21 and your brother? 11:16:51
22 A. I don't think so. I don't recall. 11:16:58
23 Q. So your recollection is that only you 11:17:00
24 and your brother were hired that year? 11:17:03
25 A. Yes. 11:17:04

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1 G. Bosetti
2 Q. Did you meet with any other police 11:17:05
3 officers that day that you interviewed and were 11:17:08
4 offered a position with Ocean Beach? 11:17:10
5 MR. NOVIKOFF: Objection. 11:17:12
6 And the only reason I'm objecting, 11:17:13
7 did he meet any officers or did he meet and 11:17:15
8 have an interview like meeting with any 11:17:18
9 other officers? 11:17:21
10 Q. Well, why don't we start with the 11:17:21
11 latter. 11:17:23
12 Did you have any other interviews 11:17:23
13 with any other police officers other than for 11:17:24
14 Chief Paradiso? 11:17:25
15 A. Interviews? No. 11:17:26
16 Q. Did you meet with any other officers 11:17:28
17 at all that day? 11:17:31
18 A. Yeah. We talked to the officers that 11:17:33
19 were there. 11:17:37
20 Q. Did you meet with George Hesse that 11:17:37
21 day? 11:17:37
22 A. I believe so. 11:17:40
23 Q. And what was Hesse's position at that 11:17:41
24 time? 11:17:43
25 A. I believe it was sergeant. 11:17:44

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1 G. Bosetti
2 Q. Do you know whether George Hesse ever 11:17:47
3 passed the sergeant's exam? 11:17:50
4 MR. CONNOLLY: Objection. 11:17:52
5 A. I don't know. 11:17:53
6 Q. Did you ever discuss it with him 11:17:53
7 whether he passed the sergeant's exam? 11:17:55
8 A. No, sir. None of my business. 11:17:57
9 Q. Why is it none of your business? 11:17:58
10 A. He's a sergeant. 11:18:02
11 Q. Just so I'm clear, because he has a 11:18:08
12 title of sergeant, it's none of your business 11:18:11
13 whether he ever passed the test to become 11:18:11
14 sergeant? 11:18:14
15 MR. NOVIKOFF: Objection. 11:18:15
16 Q. Is that your testimony? 11:18:14
17 A. If he's the sergeant, I'm a police 11:18:16
18 officer, he's my boss. 11:18:18
19 Q. You don't question your sergeant? 11:18:19
20 MR. NOVIKOFF: Objection. 11:18:21
21 A. I wouldn't have the job long, would 11:18:23
22 I? 11:18:25
23 Q. Do you recall actually meeting with 11:18:25
24 Hesse that day? 11:18:34
25 MR. NOVIKOFF: Do you recall meeting 11:18:36

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1 G. Bosetti
2 Hesse or meeting with Hesse? 11:18:38
3 MR. GOODSTADT: With Hesse. 11:18:38
4 MR. NOVIKOFF: I'm going to object 11:18:39
5 to -- 11:18:41
6 MR. GOODSTADT: I think he testified, 11:18:41
7 "I believe we spoke with Hesse that day" so 11:18:42
8 let's use that. 11:18:45
9 MR. NOVIKOFF: Okay. Fine. 11:18:45
10 MR. GOODSTADT: As the definition of 11:18:47
11 meeting with Hesse that day. 11:18:48
12 A. Sergeant Hesse was there along with 11:18:48
13 the other officers that were there. 11:18:50
14 Q. Do you recall anything you discussed 11:18:52
15 with Sergeant Hesse at the time? 11:18:55
16 A. No, sir. 11:18:56
17 Q. Was George Hesse there when you 11:18:56
18 interviewed with Paradiso? 11:19:03
19 MR. NOVIKOFF: There in the room? 11:19:04
20 MR. GOODSTADT: Yeah, as part of the 11:19:06
21 interview. 11:19:07
22 A. I don't recall. 11:19:09
23 Q. Was there anything that would refresh 11:19:10
24 your recollection? Did you take any notes at 11:19:14
25 the interview? 11:19:16
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1 G. Bosetti
2 for the police department at Ocean Beach at that 11:20:12
3 time? 11:20:16
4 A. I'm sure I did. 11:20:17
5 Q. What did you fill out? 11:20:18
6 A. I don't remember, but I'm sure I had 11:20:19
7 to fill paper out I'm sure. 11:20:22
8 Q. Did you bring any kind of resumé or 11:20:24
9 anything? 11:20:26
10 A. No. 11:20:27
11 Q. I know you said you're sure that you 11:20:30
12 filled out some paperwork. Do you actually 11:20:36
13 recall filling out any paperwork? 11:20:37
14 A. I must have filled it out. I don't 11:20:39
15 know. 11:20:44
16 Q. What kind of paperwork do you believe 11:20:45
17 you filled out? 11:20:47
18 A. Just the normal paperwork when you 11:20:48
19 apply for a job and get a job. 11:20:54
20 Q. An employment application? 11:20:56
21 A. Employment, tax. You know, kinds of 11:20:58
22 forms. 11:21:04
23 MR. GOODSTADT: I'd like to mark the 11:21:06
24 record to the extent that there was an 11:21:07
25 employment application filled out in 2002, 11:21:09
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1 G. Bosetti
2 A. No. 11:19:17
3 Q. Was George Hesse present when the 11:19:18
4 chief offered you the job? 11:19:21
5 MR. NOVIKOFF: Present in the room. 11:19:23
6 MR. GOODSTADT: Present at where he 11:19:24
7 was offering you the job. 11:19:26
8 A. I don't recall. 11:19:28
9 Q. If he was in a room that was big and 11:19:28
10 out of earshot, I'm not interested in that. I 11:19:30
11 want to know if he was part of the discussion or 11:19:32
12 conversation. 11:19:34
13 A. No, I don't recall. 11:19:35
14 Q. Do you recall anything one else who 11:19:36
15 was other than for you, your brother and Chief 11:19:38
16 Paradiso? 11:19:41
17 A. No, sorry. 11:19:41
18 Q. At that point in time did you know 11:19:44
19 the Suffolk County Civil Service requirements 11:19:50
20 for becoming a police officer in Suffolk County? 11:19:53
21 A. No, sir. 11:19:56
22 Q. Did you ever ask anyone about them? 11:19:57
23 A. No, sir. 11:19:58
24 Q. And did you have to fill out any 11:20:00
25 paperwork in connection with your application 11:20:10
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1 G. Bosetti
2 I don't believe we received a copy of it 11:21:11
3 but... 11:21:11
4 MR. NOVIKOFF: I will take that under 11:21:13
5 advisement. 11:21:14
6 BY MR. GOODSTADT: 11:21:20
7 Q. How long were you at Ocean Beach that 11:21:20
8 day? 11:21:22
9 A. Geez, I don't recall. It had to be a 11:21:22
10 few hours at least. 11:21:27
11 Q. Do you recall any of the police 11:21:29
12 officers you met that day? 11:21:33
13 A. I think Lonnie was there. 11:21:41
14 Q. Lonnie Augenbach? 11:21:43
15 A. Yes. 11:21:45
16 Kenny Bachman. 11:21:51
17 Q. Anyone else? 11:21:55
18 A. Not that I can recall. 11:21:56
19 Q. Did you know -- 11:21:58
20 A. There were other people there, other 11:21:59
21 cops there. I don't remember. 11:22:01
22 Q. But those are the ones that you 11:22:02
23 recall actually meeting that day, just those two 11:22:04
24 that you recall? 11:22:06
25 A. Yeah. 11:22:06
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1 G. Bosetti
2 Q. Did you know either Augenbach or 11:22:07
3 Bachman prior to that day? 11:22:11
4 A. No, sir. 11:22:13
5 Q. When you got to the beach that day, 11:22:13
6 did you know any other employees of the police 11:22:16
7 department at the time you arrived there that 11:22:21
8 day? 11:22:23
9 A. No, sir. 11:22:23
10 Q. When did Hani Khattat get hired by 11:22:23
11 the Beach? 11:22:31
12 A. Several years ago. 11:22:35
13 Q. How long past 2002 to your 11:22:37
14 recollection? 11:22:42
15 A. I don't recall. Several years. 11:22:43
16 Q. So you were working there for several 11:22:48
17 years prior to Mr. Khattat being hired? 11:22:50
18 A. I think so. 11:22:52
19 Q. What position was he hired for? 11:22:54
20 A. Dispatcher. 11:22:56
21 Q. Was he ever a police officer in the 11:22:58
22 city? 11:23:08
23 A. Hani Khattat? 11:23:08
24 Q. Yes. 11:23:08
25 A. Yes. 11:23:11
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1 G. Bosetti
2 Q. So he went through the same academy 11:23:11
3 and Civil Service test that you went through? 11:23:12
4 MR. NOVIKOFF: Objection. 11:23:14
5 A. Yes. 11:23:15
6 Q. Do you know whether he ever applied 11:23:15
7 for a police officer position in Ocean Beach? 11:23:17
8 A. I don't he know. 11:23:21
9 Q. You don't know. 11:23:22
10 What's the difference between a 11:23:24
11 dispatcher and a police officer in Ocean Beach? 11:23:26
12 A. A dispatcher answers calls on the 11:23:30
13 desk. He doesn't have police powers over there. 11:23:35
14 Q. What do you mean by he has no police 11:23:40
15 powers? 11:23:42
16 A. It's not his geographical area of 11:23:44
17 employment as a police officer. Hani is a cop 11:23:49
18 or was a cop in the city, but he was a 11:23:53
19 dispatcher, a civilian dispatcher, he's not a 11:23:57
20 cop. 11:24:00
21 Q. So when he was a civilian dispatcher, 11:24:00
22 he didn't have -- 11:24:02
23 A. Well, he was still a police officer 11:24:03
24 from the city. 11:24:05
25 Q. But he was a retired police office 11:24:06
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1 G. Bosetti
2 for the city, right, or is he actually working 11:24:07
3 currently? 11:24:09
4 A. Geez, I don't know. I don't know if 11:24:09
5 he retired. I guess he must have been retired 11:24:11
6 then, but I'm not sure. 11:24:14
7 Q. Did he have the authority to write 11:24:15
8 summonses in Ocean Beach? 11:24:18
9 A. I don't think so. 11:24:20
10 Q. And other than for making some kind 11:24:22
11 of, I've heard this term used a lot and I don't 11:24:27
12 know if it's actually one that everybody knows. 11:24:29
13 MR. NOVIKOFF: Citizen's arrest? 11:24:30
14 MR. GOODSTADT: Yeah. 11:24:32
15 Q. The power to make a citizen's arrest. 11:24:32
16 Did Mr. Khattat have arrest powers or 11:24:37
17 arrest authority in Ocean Beach? 11:24:41
18 MR. NOVIKOFF: Objection. 11:24:43
19 A. Well, if he wasn't a police officer 11:24:46
20 at the time, no. 11:24:47
21 Q. When you started working at Ocean 11:24:50
22 Beach, did you have the police powers that you 11:24:53
23 testified Mr. Khattat did not have? 11:24:56
24 MR. NOVIKOFF: Objection. 11:24:58
25 A. Well, as I started working as a 11:25:01
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1 G. Bosetti
2 police officer? Yes. 11:25:03
3 Q. When you were hired as a police 11:25:03
4 officer. 11:25:05
5 A. Yes. 11:25:05
6 Q. Okay. But between the time that you 11:25:06
7 retired in New York City and the time that you 11:25:07
8 were hired as a police officer, you didn't have 11:25:09
9 any police powers; is that correct? 11:25:11
10 MR. NOVIKOFF: Objection. 11:25:12
11 A. Yes. 11:25:20
12 Q. Do you know who made the decision to 11:25:23
13 hire you? 11:25:29
14 A. I believe it was Chief Paradiso. 11:25:29
15 Q. And other than for him being the one 11:25:30
16 that offered you the job, is there any other 11:25:33
17 basis to believe that he was the one that made 11:25:35
18 the decision? 11:25:37
19 A. No. 11:25:38
20 Q. Did you have to fill out any Suffolk 11:25:38
21 County paperwork? 11:25:44
22 MR. NOVIKOFF: Objection. 11:25:46
23 Q. In connection with your -- 11:25:47
24 A. Not that I recall. 11:25:49
25 Q. -- application as a police officer in 11:25:50
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<p>Contains Confidential Portions</p> <p>Page 90</p> <p>1 G. Bosetti</p> <p>2 Ocean Beach? Not that you recall? 11:25:51</p> <p>3 A. No. 11:25:54</p> <p>4 Q. You testified that Paradiso was the 11:25:54</p> <p>5 chief, Hesse was the sergeant. 11:25:58</p> <p>6 Were there any other police officers 11:26:00</p> <p>7 who had higher rank other than for police 11:26:02</p> <p>8 officer at that time within Ocean Beach? 11:26:04</p> <p>9 A. No, sir. 11:26:07</p> <p>10 Q. So there was no lieutenant? 11:26:08</p> <p>11 A. No. 11:26:09</p> <p>12 Q. Prior to that day, had you ever met 11:26:09</p> <p>13 George Hesse before then? 11:26:19</p> <p>14 A. No. 11:26:20</p> <p>15 Q. What tours did you work? What was 11:26:20</p> <p>16 your standard tour, if there was one, starting 11:26:29</p> <p>17 in 2002? 11:26:32</p> <p>18 A. Four to twelve. 11:26:32</p> <p>19 Q. Four to twelve? 11:26:33</p> <p>20 A. Yes. 11:26:34</p> <p>21 Q. Did that stay your standard tour 11:26:35</p> <p>22 during your employment at Ocean Beach? 11:26:41</p> <p>23 A. Yes, for the most part. 11:26:42</p> <p>24 Q. What do you mean by "for the most 11:26:44</p> <p>25 part"? 11:26:46</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 91</p> <p>1 G. Bosetti</p> <p>2 A. Sometimes you're asked to do another 11:26:46</p> <p>3 tour if they needed people. 11:26:49</p> <p>4 Q. That would be outside of your 11:26:51</p> <p>5 standard tour. 11:26:53</p> <p>6 A. Yeah. 11:26:54</p> <p>7 Q. What other officers were on the 11:26:59</p> <p>8 standard 4 to 12 tour? 11:27:03</p> <p>9 MR. NOVIKOFF: What years up to? 11:27:11</p> <p>10 Because he was brought in I presume 11:27:14</p> <p>11 after your clients were no longer working 11:27:17</p> <p>12 there. So you want to break it down before 11:27:20</p> <p>13 that date, after that date. It's up to 11:27:21</p> <p>14 you. It's your question. 11:27:23</p> <p>15 MR. GOODSTADT: That's a fair point. 11:27:24</p> <p>16 BY MR. GOODSTADT: 11:27:25</p> <p>17 Q. Why don't we do it from '02 to '06, 11:27:25</p> <p>18 through April of '06, and then we'll do April of 11:27:32</p> <p>19 '06 through February of '08 when you left there. 11:27:36</p> <p>20 A. Okay. Who was working 4 to 12? 11:27:38</p> <p>21 Q. Who worked the 4 to 12s, yes. 11:27:42</p> <p>22 A. I mean it changed. It depended, you 11:27:45</p> <p>23 know. 11:27:50</p> <p>24 Q. So who were the officers? I know 11:27:52</p> <p>25 that there probably were different times when 11:27:56</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 92</p> <p>1 G. Bosetti</p> <p>2 different people worked 4 to 12, but who were 11:27:58</p> <p>3 those officers that were on the 4 to 12? 11:28:00</p> <p>4 A. Like I said, it varied. 11:28:03</p> <p>5 Q. Who did it vary between? 11:28:07</p> <p>6 A. Walter Moeller worked 4 to 12 11:28:12</p> <p>7 sometimes. Whoever was working. Whoever was on 11:28:14</p> <p>8 the chart to work. I don't know if there was, 11:28:21</p> <p>9 you know, set schedules. 11:28:25</p> <p>10 Q. Was your brother on 4 to 12? 11:28:25</p> <p>11 A. Oh, yes, yes. Sorry. 11:28:27</p> <p>12 Q. Hardman at 4 to 12? 11:28:31</p> <p>13 A. No. Occasionally I think. 11:28:34</p> <p>14 Q. Did Hardman have a standard shift 11:28:36</p> <p>15 that he worked or a standard tour that he 11:28:39</p> <p>16 worked? 11:28:41</p> <p>17 A. Not that I know. I know he did a lot 11:28:41</p> <p>18 of midnights, but standard I don't know. I 11:28:47</p> <p>19 couldn't tell you. 11:28:50</p> <p>20 Q. Who was your supervisor on the 4 to 11:28:52</p> <p>21 12? 11:28:55</p> <p>22 A. Sometimes there wasn't a supervisor 11:28:55</p> <p>23 on 4 to 12. If not, it was George Hesse. 11:29:01</p> <p>24 Q. So it was George Hesse was the sort 11:29:04</p> <p>25 of default supervisor and then sometimes there 11:29:07</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 93</p> <p>1 G. Bosetti</p> <p>2 was no supervisor? 11:29:09</p> <p>3 A. Yes. 11:29:09</p> <p>4 Q. Was Chief Paradiso ever your 11:29:10</p> <p>5 supervisor on 4 to 12? 11:29:12</p> <p>6 A. Yes, yes. 11:29:14</p> <p>7 Q. How many times? 11:29:17</p> <p>8 A. Oh, I can't remember. 11:29:18</p> <p>9 Q. Was there a period in which he was 11:29:20</p> <p>10 the default supervisor for 4 to 12? 11:29:22</p> <p>11 A. Most of the time there was a 11:29:26</p> <p>12 supervisor, sometimes there wasn't. 11:29:28</p> <p>13 How often was Chief Paradiso there, I 11:29:32</p> <p>14 couldn't tell you. I couldn't give you a, you 11:29:35</p> <p>15 know, a stat on that. 11:29:38</p> <p>16 Q. My question was a little bit 11:29:39</p> <p>17 different than that. My question was you 11:29:41</p> <p>18 testified before that the default supervisor 11:29:43</p> <p>19 from the 4 to 12 was Hesse, correct? 11:29:44</p> <p>20 MR. NOVIKOFF: Objection to the term 11:29:47</p> <p>21 "default." 11:29:49</p> <p>22 A. Yeah, please explain what you mean by 11:29:49</p> <p>23 default. 11:29:52</p> <p>24 Q. When you had a supervisor, generally 11:29:52</p> <p>25 it was Hesse from 4 to 12, correct? 11:29:54</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 A. Or Paradiso. 11:29:56
3 Q. Okay. Was there a schedule where 11:29:57
4 they rotated or Paradiso would fill in when 11:30:00
5 Hesse couldn't be there? How was it decided 11:30:04
6 whether it would be Hesse -- 11:30:06
7 A. How it was decided -- 11:30:07
8 MR. NOVIKOFF: Objection. 11:30:12
9 A. -- I don't know. 11:30:08
10 Q. Was Hesse your supervisor more times 11:30:12
11 than Paradiso? 11:30:15
12 A. In what years? 11:30:17
13 Q. Why don't we go through the years. 11:30:20
14 2002, who was your supervisor more 11:30:22
15 often than not in the 4 to 12? 11:30:26
16 A. It was Paradiso. 11:30:29
17 Q. How about in '03? 11:30:32
18 A. I don't know. 11:30:34
19 I know the first year I think I 11:30:38
20 worked a lot with Chief Paradiso. 11:30:40
21 After that it varied. 11:30:42
22 Q. How frequently was Paradiso your 11:30:45
23 supervisor in '03? 11:30:47
24 A. I don't know. I don't recall. 11:30:48
25 Q. Was it more frequent than Hesse or 11:30:51
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1 G. Bosetti
2 was Hesse more frequent than Paradiso? 11:30:53
3 A. I couldn't give you an answer to 11:30:55
4 that. 11:30:58
5 Q. How about in '04? 11:30:58
6 A. Same thing; I can't answer that. I 11:31:00
7 don't know. 11:31:03
8 Q. How about '05? 11:31:03
9 A. I don't know. 11:31:05
10 Q. '06? 11:31:05
11 A. I'm trying to think. '06 it was -- 11:31:06
12 '06, '07 I think it might have been more George 11:31:18
13 Hesse. 11:31:21
14 Q. Was Paradiso ever your supervisor in 11:31:23
15 '06 or '07? 11:31:25
16 A. I can't remember when he got hurt, 11:31:26
17 but if he was there, yeah, occasionally he was a 11:31:30
18 supervisor, yes. 11:31:33
19 Q. In '05, was he your supervisor more 11:31:35
20 than just occasionally? 11:31:37
21 A. I'm sorry? 11:31:38
22 Q. In '05 was he your supervisor more 11:31:39
23 than just occasionally? 11:31:41
24 MR. NOVIKOFF: Objection. 11:31:45
25 Q. Meaning Paradiso? 11:31:44
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1 G. Bosetti
2 MR. NOVIKOFF: Asked and answered. 11:31:46
3 A. I can't remember. I don't know. 11:31:46
4 Q. Just so I'm clear because I'm a 11:31:48
5 little bit confused, '02 generally Paradiso was 11:31:52
6 the supervisor when there was a supervisor on 11:31:56
7 duty, correct? 11:31:58
8 In '03, '04, '05 they switched off? 11:32:00
9 It wasn't one that was generally more -- 11:32:03
10 A. To the best of my knowledge, yes. 11:32:06
11 Q. And then after Paradiso left, Hesse 11:32:08
12 was your supervisor generally? 11:32:11
13 A. Yes. 11:32:12
14 Is it possible to take a little 11:32:17
15 break? 11:32:18
16 Q. We certainly can. I promised you at 11:32:19
17 the beginning just ask, no question pending, 11:32:22
18 we'll take our break. 11:32:24
19 A. Thank you. 11:32:25
20 THE VIDEOGRAPHER: Going off the 11:32:26
21 record. The time is 11:33 a.m. 11:32:27
22 (Recess is taken.) 11:41:16
23 THE VIDEOGRAPHER: We are back on the 11:45:52
24 record. The time is 11:46 a.m. 11:45:53
25 This is the beginning of the tape 11:45:56
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1 G. Bosetti
2 labeled No. 2. 11:45:57
3 BY MR. GOODSTADT: 11:45:58
4 Q. Sir, I believe you testified before 11:46:00
5 that your general tour was 4 to 12; is that 11:46:02
6 correct? 11:46:02
7 A. Yes, sir. 11:46:07
8 Q. That's four in the afternoon until 11:46:07
9 midnight? 11:46:09
10 A. Yes, sir. 11:46:10
11 Q. Did you ever work an 8 to 4, 8 in the 11:46:10
12 morning till 4 in the afternoon tour in the 11:46:14
13 morning after working a 4 to 12 the night 11:46:17
14 before? 11:46:20
15 A. Not that I recall. Not that I 11:46:20
16 recall. 11:46:26
17 Q. Did you ever work a 4 to 12 and then 11:46:27
18 a 12 to 8 back to back? 11:46:30
19 A. 4 to 12 and a 12 to 8? 11:46:34
20 Q. Yes. 11:46:34
21 A. Possibly. Tours sometimes were 11:46:39
22 extended. 11:46:42
23 Q. You don't recall a specific instance 11:46:42
24 when you did that? 11:46:45
25 A. No, sir. 11:46:45
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1 G. Bosetti
2 Q. So you don't recall a specific 11:46:46
3 instance where you worked an 8 a.m. to 4 p.m. 11:46:48
4 tour after working the 4 to 12 the night before? 11:46:52
5 MR. NOVIKOFF: Objection. 11:46:56
6 A. Not really. 11:46:57
7 Q. Where there was no supervisor on 11:47:04
8 tour, who would be, if anyone, the commanding 11:47:07
9 officer or the officer in charge of that tour? 11:47:10
10 A. There wasn't really one. 11:47:12
11 Q. So if a decision had to be made, 11:47:19
12 there was nobody in charge of the department? 11:47:22
13 MR. NOVIKOFF: Objection. 11:47:24
14 A. If there was any kind of 11:47:26
15 complications, you immediately called the 11:47:28
16 supervisor. 11:47:30
17 Q. So there was no -- just so I'm clear, 11:47:32
18 there was no sort of supervising officer on duty 11:47:35
19 at the time if either Hesse or Paradiso were not 11:47:37
20 there? 11:47:41
21 MR. NOVIKOFF: Objection. Asked and 11:47:41
22 answered. 11:47:42
23 A. That's correct. There was police 11:47:42
24 officers. 11:47:47
25 Q. When you were hired in Ocean Beach in 11:47:47
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1 G. Bosetti
2 2002, do you recall how many other officers were 11:47:58
3 on the force at this time? 11:48:01
4 A. No, sir. 11:48:03
5 MR. GOODSTADT: Mark this as 11:48:22
6 G. Bosetti-2. 11:48:24
7 (Plaintiffs' Exhibit G. Bosetti 2, 11:48:25
8 Document entitled "Police Officer Part 11:48:52
9 Time/Seasonal", marked for identification, 11:48:55
10 as of this date.) 11:48:55
11 MR. GOODSTADT: I've placed in front 11:48:45
12 of Mr. Bosetti what's now been marked as 11:48:47
13 G. Bosetti-2. It is a two-page exhibit 11:48:49
14 that's titled "Police Officer Part 11:48:52
15 Time/Seasonal." 11:48:56
16 BY MR. GOODSTADT: 11:48:56
17 Q. Mr. Bosetti, have you seen the 11:48:57
18 document that's been marked as G. Bosetti-2? 11:48:58
19 A. I don't recall. 11:49:02
20 Q. Anything that would refresh your 11:49:04
21 recollection? 11:49:08
22 A. I'm going over it. I mean it's 11:49:09
23 possible but... I don't know. 11:49:11
24 Q. If you look at the bottom section 11:49:15
25 that says, "Necessary requirements," do you see 11:49:17
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1 G. Bosetti
2 that? 11:49:19
3 A. Yes, sir. 11:49:19
4 MR. NOVIKOFF: It says, "Necessary 11:49:21
5 special requirements." 11:49:23
6 MR. GOODSTADT: "Necessary special 11:49:23
7 requirements." That is correct. I 11:49:24
8 apologize. 11:49:24
9 BY MR. GOODSTADT: 11:49:25
10 Q. Do you see that section that says 11:49:25
11 "Necessary special requirements"? 11:49:27
12 A. Yes. 11:49:28
13 MR. GOODSTADT: If I said it, he saw 11:49:28
14 it. I don't know who... 11:49:31
15 MR. NOVIKOFF: That's why I don't let 11:49:31
16 witnesses read documents. 11:49:32
17 BY MR. GOODSTADT: 11:49:34
18 Q. It says, "Necessary special 11:49:34
19 requirements." If you look down at No. 9 it 11:49:37
20 says, "Candidates must successfully pass a 11:49:39
21 polygraph evaluation." 11:49:41
22 You see that? 11:49:42
23 A. Yes. 11:49:42
24 Q. Did you know that requirement for a 11:49:43
25 part-time or seasonal police officer when you 11:49:44
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1 G. Bosetti
2 started in 2002? 11:49:47
3 A. When I started? No. 11:49:48
4 Q. When did you first learn that you 11:49:49
5 needed to pass a polygraph to be a part-time 11:49:52
6 police officer in Ocean Beach? 11:49:55
7 MR. NOVIKOFF: Objection. 11:49:58
8 A. Several years later I guess. 11:49:58
9 Q. How did you learn about it? 11:50:04
10 A. I had to take one. 11:50:06
11 Q. But how did you learn about the 11:50:07
12 requirement? I know you had to take one at some 11:50:09
13 point, but how did you first learn that was a 11:50:12
14 requirement? 11:50:14
15 A. I don't remember who told me, but it 11:50:15
16 was brought to my attention that I had to go 11:50:20
17 take it. I had to do the medical and the 11:50:22
18 physical also. 11:50:23
19 Q. When was that brought to your 11:50:24
20 attention that you had to pass all these tests? 11:50:26
21 A. Exactly when, I don't know. 11:50:28
22 Q. Do you recall what year it was? 11:50:32
23 A. No, I don't. 11:50:34
24 Q. Was it in 2002, the first year you 11:50:35
25 worked there? 11:50:38
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1 G. Bosetti
2 A. No. 11:50:38
3 Q. Was it 2003? 11:50:38
4 A. I don't think so, no. 11:50:40
5 Q. Was it in 2004? 11:50:43
6 A. Possibly. 11:50:44
7 Q. And is it your testimony you don't 11:50:46
8 recall who alerted you to the fact that you had 11:50:49
9 to take these tests to be a police officer in 11:50:51
10 Ocean Beach? 11:50:54
11 MR. NOVIKOFF: Objection. Asked and 11:50:54
12 answered. 11:50:56
13 A. Exactly who, no, I don't. I really 11:50:56
14 don't. 11:51:00
15 Q. Do you recall ever discussing the 11:51:00
16 requirements with Chief Paradiso? 11:51:03
17 A. Possibly. I don't know. 11:51:13
18 Q. So you don't recall one way or the 11:51:15
19 other whether you discussed it with Paradiso? 11:51:18
20 A. No, I don't remember how it came 11:51:20
21 about. 11:51:21
22 Q. I'm not asking how it came about. 11:51:21
23 I'm talking about do you ever recall 11:51:23
24 discussing the requirements with Chief Paradiso? 11:51:26
25 A. I really can't say I do, no. 11:51:28
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1 G. Bosetti
2 Q. You ever recall discussing the 11:51:34
3 requirements to be a police officer in Ocean 11:51:37
4 Beach with George Hesse? 11:51:40
5 A. Again, I'm not sure. I'm not sure 11:51:43
6 who I spoke to so I don't want to say one or the 11:51:47
7 other. 11:51:48
8 Q. Sitting here today, you never recall 11:51:49
9 discussing the polygraph with George Hesse? 11:51:51
10 MR. NOVIKOFF: Objection. 11:51:55
11 A. Well, we have -- 11:51:57
12 MR. NOVIKOFF: The polygraph 11:51:57
13 specifically or the test in general? 11:51:58
14 MR. GOODSTADT: The polygraph. 11:51:59
15 A. I'm not sure if it was George Hesse 11:52:04
16 or Chief Paradiso. 11:52:06
17 Q. So you discussed the fact that you 11:52:07
18 had to take a polygraph with one of the two, 11:52:08
19 either George Hesse or -- 11:52:11
20 A. Yeah. We had to take the physical, 11:52:12
21 the medical and the polygraph. 11:52:14
22 Q. I'm focused right now just on the 11:52:15
23 polygraph. 11:52:17
24 MR. NOVIKOFF: Why? Did he fail the 11:52:17
25 polygraph? 11:52:19
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1 G. Bosetti
2 I don't think he failed it and -- 11:52:24
3 THE WITNESS: No, I did not. 11:52:25
4 MR. GOODSTADT: That wasn't the 11:52:27
5 question. I'm asking the question, so 11:52:28
6 whatever banter is going on on the side, 11:52:31
7 it's not really a question to you until 11:52:35
8 it's his turn with the microphone. 11:52:36
9 BY MR. GOODSTADT: 11:52:36
10 Q. My question is, do you recall 11:52:37
11 discussing the requirement to take a polygraph 11:52:38
12 with George Hesse? 11:52:43
13 MR. NOVIKOFF: Objection. Asked and 11:52:45
14 answered. 11:52:46
15 A. I discussed it but I don't know if it 11:52:49
16 was Chief Paradiso or George Hesse. 11:52:51
17 Q. Did you discuss it with one of them? 11:52:53
18 MR. NOVIKOFF: Objection. 11:52:54
19 A. Yes. I had to, yes. 11:52:55
20 Q. What do you mean you had to? 11:52:56
21 A. Because I had to take these things so 11:52:58
22 I had to be told that I had to take a polygraph, 11:53:01
23 a medical and a physical. 11:53:03
24 MR. FEHRINGER: Don't guess. Just if 11:53:06
25 you recall. 11:53:07
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1 G. Bosetti
2 A. I must have -- I was told about it 11:53:13
3 so... 11:53:18
4 Q. Well, is it possible you were told 11:53:18
5 about it from some other source other than for 11:53:21
6 George Hesse or Chief Paradiso? 11:53:23
7 MR. NOVIKOFF: Objection. 11:53:25
8 A. No, it was either one of them. One 11:53:25
9 of them. 11:53:28
10 Q. So you didn't receive a letter from 11:53:28
11 Civil Service informing you, it was verbally 11:53:29
12 told to you from either George Hesse or Chief 11:53:31
13 Paradiso? 11:53:40
14 MR. NOVIKOFF: Objection. 11:53:40
15 Foundation. 11:53:41
16 A. No, no. 11:53:43
17 Q. No, you didn't receive a letter from 11:53:45
18 Civil Service? 11:53:47
19 MR. NOVIKOFF: Objection. 11:53:48
20 A. No, I don't believe so. 11:53:48
21 Q. Did you ever discuss the requirement 11:53:50
22 to pass the medical evaluation with Chief 11:54:03
23 Paradiso? 11:54:08
24 A. I'm sorry. Can you rephrase that? 11:54:08
25 Q. Did you ever discuss the requirement 11:54:10
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1 G. Bosetti
2 of becoming a police officer, part-time or 11:54:13
3 seasonal, that you needed to pass a medical 11:54:15
4 evaluation? 11:54:19
5 MR. NOVIKOFF: Objection. 11:54:20
6 A. Discuss it? 11:54:24
7 Q. Did you ever communicate with the 11:54:25
8 chief -- 11:54:27
9 A. Well, we had to take it. That's what 11:54:27
10 I was told, you had to take it. 11:54:29
11 Q. And when did he tell you that? 11:54:30
12 MR. NOVIKOFF: Objection. 11:54:33
13 A. Again, I'm sure it's listed somewhere 11:54:33
14 when I took the test, when I took these tests. 11:54:38
15 It was right before I took these tests. 11:54:42
16 Q. Where were you when you discussed it 11:54:44
17 with him? 11:54:45
18 A. Possibly at the station house. 11:54:46
19 Probably at the station house. 11:54:51
20 Q. So you're speculating, you don't 11:54:52
21 know? 11:54:54
22 A. I'm not sure, no. 11:54:54
23 Q. And what did he tell you about the 11:54:56
24 tests? 11:54:58
25 A. Not much. It's pretty much 11:54:59
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1 G. Bosetti
2 self-explanatory. 11:55:06
3 Q. But he told you you had to pass them? 11:55:07
4 A. No. 11:55:10
5 Q. Did he tell you you had to take them? 11:55:11
6 A. I had to take them, yes. 11:55:13
7 MR. NOVIKOFF: Objection. 11:55:15
8 Q. Did he tell you why you had to take 11:55:15
9 them? 11:55:18
10 A. Civil Service wanted us to take them. 11:55:19
11 Q. Did he tell that you'd no longer be 11:55:24
12 employed by them unless you took them? 11:55:26
13 A. We had to take it so I would think 11:55:30
14 so, yeah. 11:55:34
15 Q. So you would think that Chief 11:55:34
16 Paradiso told you that you had to take these 11:55:38
17 tests, otherwise Ocean Beach couldn't employ 11:55:39
18 you? 11:55:39
19 MR. NOVIKOFF: Objection. 11:55:43
20 A. I'm trying to be honest about it. 11:55:49
21 Can you rephrase that? Excuse me. 11:55:52
22 Q. Sure. 11:55:53
23 You told me that Chief Paradiso told 11:55:54
24 you you had to take these tests, correct? 11:55:58
25 MR. NOVIKOFF: Objection. 11:56:01
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1 G. Bosetti
2 A. That's correct, yes. 11:56:02
3 Q. Did he tell you if you didn't take 11:56:03
4 the tests, that he could no longer employ you as 11:56:04
5 a police officer? 11:56:06
6 MR. NOVIKOFF: Objection. 11:56:07
7 A. Yes, I think so. 11:56:08
8 Q. Okay. And do you recall when he told 11:56:09
9 you that? 11:56:11
10 A. When he told me that? 11:56:12
11 Q. Yes. 11:56:12
12 A. No, sir. 11:56:14
13 Q. You don't recall what year it was? 11:56:14
14 A. No, sir. 11:56:17
15 Q. At any point in time did he tell you 11:56:18
16 that you needed to have taken those tests to be 11:56:23
17 certified from day one? 11:56:27
18 MR. NOVIKOFF: Objection. 11:56:28
19 A. No, sir. 11:56:30
20 Q. So he never told you that you were 11:56:30
21 working there between '02 and whatever the date 11:56:33
22 was that he told you you needed to take those, 11:56:36
23 that you were working there not as a certified 11:56:41
24 police officer? 11:56:44
25 MR. NOVIKOFF: Objection. 11:56:45
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1 G. Bosetti
2 A. Never to my knowledge. I was a 11:56:46
3 police officer. 11:56:48
4 Q. So was it your understanding these 11:56:48
5 were new requirements that he was telling you 11:56:50
6 about? 11:56:52
7 MR. NOVIKOFF: Objection. 11:56:52
8 A. That they were new requirements? 11:56:53
9 Q. Yeah, that Civil Service just passed 11:56:55
10 these requirements that you have to take these 11:56:57
11 battery of tests? 11:57:00
12 MR. NOVIKOFF: I don't understand it. 11:57:00
13 Objection. 11:57:02
14 A. I was told that I had to take the 11:57:04
15 tests. 11:57:06
16 Q. Right. 11:57:06
17 But was it your understanding that 11:57:07
18 these were new requirements that you had to take 11:57:08
19 these tests, that Civil Service just came out 11:57:10
20 with these necessary special requirements listed 11:57:12
21 on G. Bosetti-2? 11:57:14
22 MR. NOVIKOFF: Objection. Form and 11:57:20
23 foundation. 11:57:21
24 A. I don't know. 11:57:22
25 Q. What was your belief? Was it your 11:57:43
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1 G. Bosetti
2 belief that these were new requirements that 11:57:45
3 were just passed by Civil Service or that these 11:57:47
4 were old requirements that you were just 11:57:50
5 learning about? 11:57:52
6 MR. NOVIKOFF: Objection. Form and 11:57:53
7 foundation. 11:57:54
8 A. I was a police officer. I have to 11:57:57
9 tell you I was told I had to take these tests so 11:58:01
10 I did. 11:58:04
11 Q. My question was at the time -- 11:58:05
12 MR. NOVIKOFF: I think he answered 11:58:09
13 your question. 11:58:10
14 Q. -- was it your understanding that 11:58:10
15 these tests were new requirements that Civil 11:58:12
16 Service was all of a sudden requiring or was it 11:58:15
17 your understanding that these were the Civil 11:58:18
18 Service requirements even back in '02 but you 11:58:22
19 were just learning about them the first time? 11:58:25
20 MR. NOVIKOFF: Objection. Form. 11:58:27
21 foundation. 11:58:28
22 A. I really don't know. I mean when 11:58:28
23 it's something that you have to do, you do it. 11:58:33
24 It doesn't matter why I had to do it. This is 11:58:35
25 what they told me and I did it. 11:58:37
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1 G. Bosetti
2 Q. Did you question anyone as to why you 11:58:38
3 had to do it after working there for three 11:58:41
4 years? 11:58:42
5 A. I don't remember if I questioned it 11:58:43
6 or not, but it's just something else you got to 11:58:48
7 do. You do a job for so long, whatever people 11:58:51
8 throw in front of you, you do it. Requirements. 11:58:55
9 Q. And it was your testimony I believe, 11:59:00
10 correct me if I'm wrong -- 11:59:04
11 A. Yes. 11:59:06
12 Q. -- that it was your understanding 11:59:06
13 that Civil Service required these? 11:59:09
14 MR. NOVIKOFF: Objection. 11:59:10
15 A. What's that, for these three tests? 11:59:11
16 Q. For you to pass the tests, yes. 11:59:13
17 A. It was Civil Service, yes. 11:59:15
18 Q. And that's what Chief Paradiso told 11:59:17
19 you at the time, that Civil Service required you 11:59:20
20 to take these tests? 11:59:21
21 MR. NOVIKOFF: Objection. 11:59:22
22 A. Yeah, I believe so. 11:59:27
23 Q. Did you try to get a waiver from 11:59:28
24 taking these tests because you had been a police 11:59:31
25 officer in another jurisdiction? 11:59:34
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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 11:59:35
3 A. Did I try to get a waiver? No. 11:59:36
4 Q. Do you know whether you could have 11:59:37
5 gotten a waiver? 11:59:40
6 MR. NOVIKOFF: Objection. 11:59:40
7 A. No, idea, but at that age it would 11:59:40
8 have been nice. 11:59:44
9 Q. Which tests were you told that you 11:59:44
10 had to pass? 11:59:51
11 A. All of them. 11:59:52
12 Q. You mean the medical -- 11:59:53
13 A. The medical, the physicals -- the 11:59:54
14 medical, physical, psychological, the poly. 11:59:57
15 Q. Did you have to take a background? 12:00:04
16 Did you have to have a background check as well 12:00:07
17 at that time? 12:00:11
18 A. That I don't know. 12:00:11
19 Q. Which tests did you take first out of 12:00:12
20 that group of tests that you just testified to? 12:00:17
21 A. I honestly don't recall. 12:00:19
22 Q. Do you know why you had to take a 12:00:27
23 medical test to be certified as a police officer 12:00:31
24 in Ocean Beach? 12:00:35
25 MR. NOVIKOFF: Objection. 12:00:36
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1 G. Bosetti
2 A. Like anything else, to see if I was 12:00:43
3 in good shape. 12:00:44
4 Q. Do you think that was important? 12:00:45
5 A. Yes, I think so. 12:00:48
6 MR. NOVIKOFF: Objection. 12:00:49
7 Q. Do you know why you had to take a 12:00:50
8 physical agility test to be certified as a 12:00:52
9 police officer? 12:00:56
10 MR. NOVIKOFF: Objection. 12:00:57
11 A. Yes, sir. 12:00:57
12 Q. And why is that? 12:00:58
13 MR. NOVIKOFF: Objection. 12:00:58
14 A. To see if I'm good shape. 12:00:59
15 Q. You think that was important? 12:01:00
16 MR. NOVIKOFF: Objection. 12:01:01
17 A. Yes, sir. 12:01:02
18 Q. Do you know why you had to take a 12:01:02
19 psychological test to be certified as a police 12:01:05
20 officer in Ocean Beach? 12:01:07
21 MR. NOVIKOFF: Objection. 12:01:08
22 A. Yes, sir. 12:01:08
23 Q. And why is that? 12:01:08
24 MR. NOVIKOFF: Objection. 12:01:10
25 A. To see if I was fit to become a 12:01:10
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1 G. Bosetti
2 police officer. 12:01:12
3 Q. You think that was important? 12:01:14
4 A. Yes. 12:01:16
5 MR. NOVIKOFF: Objection. 12:01:16
6 Q. Do you know why you had to take a 12:01:16
7 polygraph? 12:01:18
8 MR. NOVIKOFF: Objection. 12:01:18
9 A. Yes, sir. 12:01:18
10 Q. And what's the reason that you had to 12:01:19
11 take a polygraph? 12:01:21
12 MR. NOVIKOFF: Objection. 12:01:21
13 A. See if I was fit to be a police 12:01:22
14 officer. 12:01:24
15 Q. You think that was important? 12:01:24
16 MR. NOVIKOFF: Objection. 12:01:25
17 A. Yes. 12:01:26
18 Q. I'm not sure and I'm sure I've asked 12:01:27
19 you this question probably 12 times in 12 12:01:32
20 different ways and received 12 different 12:01:33
21 objections. I just want to be clear for the 12:01:35
22 record. 12:01:37
23 MR. NOVIKOFF: I want to object for 12:01:37
24 the first time. 12:01:39
25 Q. I just want to be clear for the 12:01:39
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1 G. Bosetti
2 record because I'm not sure if I've gotten a 12:01:41
3 clear answer. 12:01:42
4 Did Chief Paradiso at that time tell 12:01:44
5 you that you had to pass these to work as a 12:01:47
6 police officer in Ocean Beach? 12:01:50
7 MR. NOVIKOFF: Objection. 12:01:51
8 A. I believe so, yes. 12:01:53
9 Q. I know you don't recall the first 12:01:54
10 test that you took out of those four tests that 12:02:03
11 you testified to, but do you recall when you 12:02:06
12 took the first test? 12:02:07
13 A. No. Sorry. 12:02:12
14 Q. Do you recall what year it was? 12:02:14
15 A. No, sir. 12:02:16
16 Q. Was it on season or off season? 12:02:16
17 A. I think it was off season. 12:02:22
18 Q. Was it before a season or just after 12:02:26
19 a season? 12:02:29
20 A. After a season. 12:02:30
21 Q. You don't recall which season it was 12:02:33
22 after? 12:02:36
23 A. No, sir. 12:02:36
24 Q. Did you ever fail any of the tests, 12:02:39
25 those four tests? 12:02:42
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1 G. Bosetti
2 A. Not to my knowledge, no. 12:02:43
3 Q. What was the time frame between the 12:02:44
4 time you took the first test and the time you 12:02:48
5 took the last test? 12:02:50
6 A. I don't know. 12:02:51
7 Q. Was it all done in the same week, the 12:02:59
8 same month, same couple of months? 12:03:02
9 A. Probably a couple of months. 12:03:04
10 Q. So it's the best of your recollection 12:03:06
11 that from the time you took the first test till 12:03:09
12 the time you took the last one it was a couple 12:03:12
13 of months? 12:03:14
14 A. Probably. 12:03:15
15 Q. What was the process of scheduling 12:03:15
16 these tests? Did you do it yourself or did 12:03:18
17 someone do it for you? 12:03:20
18 A. Somebody had to do it for me. I 12:03:21
19 didn't schedule it. 12:03:28
20 Q. And who did it for you? 12:03:28
21 A. Either -- again, I don't know when 12:03:30
22 Chief Paradiso was out. It was either Chief 12:03:37
23 Paradiso, if he was out, then it was George 12:03:41
24 Hesse. I don't know. 12:03:43
25 Q. So someone at Ocean Beach actually 12:03:44
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1 G. Bosetti
2 did the scheduling for you? 12:03:46
3 A. The supervisor. 12:03:47
4 Q. Did you receive any notice from Civil 12:03:48
5 Service as to when these were scheduled for? 12:03:51
6 A. I don't recall. 12:03:53
7 Q. Just so I'm clear and so the record 12:04:03
8 is clear, so prior to taking these tests several 12:04:05
9 years after you started working, you hadn't 12:04:10
10 taken any of those tests while you were employed 12:04:13
11 at Ocean Beach, correct? 12:04:15
12 A. Correct. 12:04:17
13 Q. And from that I assume that you 12:04:17
14 hadn't passed either the medical, the polygraph, 12:04:20
15 the physical agility or the psychological from 12:04:23
16 Suffolk County prior to several years after 12:04:28
17 working there? 12:04:30
18 MR. NOVIKOFF: Objection. 12:04:31
19 If he didn't take the test, how could 12:04:32
20 he have passed or failed the test? 12:04:34
21 A. Yeah. Can you rephrase the question, 12:04:35
22 please? 12:04:37
23 Q. Sure. 12:04:37
24 It just flows from the fact you had 12:04:39
25 to take it. I just want to establish the fact 12:04:41
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<p>Contains Confidential Portions</p> <p>Page 118</p> <p>1 G. Bosetti</p> <p>2 that you hadn't passed either the medical, the 12:04:42</p> <p>3 polygraph, the physical agility or the 12:04:45</p> <p>4 psychological at Suffolk County for the first 12:04:47</p> <p>5 group of years that you worked as a police 12:04:51</p> <p>6 officer at Ocean Beach. 12:04:53</p> <p>7 MR. NOVIKOFF: Objection. I still 12:04:53</p> <p>8 don't understand. No test was taken. 12:04:54</p> <p>9 A. I didn't take it, yes. 12:04:56</p> <p>10 Q. You didn't take it, you didn't pass 12:04:58</p> <p>11 it, correct? 12:05:00</p> <p>12 MR. NOVIKOFF: Objection. How could 12:05:00</p> <p>13 you pass or fail something you don't take? 12:05:02</p> <p>14 MR. GOODSTADT: That's the point; he 12:05:04</p> <p>15 hadn't passed them because he hadn't taken 12:05:06</p> <p>16 them. 12:05:07</p> <p>17 MR. NOVIKOFF: Object. I'm still 12:05:07</p> <p>18 confused. 12:05:08</p> <p>19 A. You can say I haven't. I didn't take 12:05:09</p> <p>20 them. 12:05:11</p> <p>21 Q. And you didn't pass them, you didn't 12:05:12</p> <p>22 fail them, right, because you didn't take them. 12:05:14</p> <p>23 Is that fair? 12:05:16</p> <p>24 A. I didn't take them. 12:05:16</p> <p>25 MR. NOVIKOFF: Objection. 12:05:17</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 119</p> <p>1 G. Bosetti</p> <p>2 Q. Did you take any tests prior to being 12:05:18</p> <p>3 hired as a police officer in Ocean Beach in 12:05:26</p> <p>4 connection with Suffolk County or Ocean Beach? 12:05:30</p> <p>5 A. No, I don't think so. 12:05:36</p> <p>6 Q. So you didn't have to take a written 12:05:38</p> <p>7 Civil Service test? 12:05:41</p> <p>8 MR. NOVIKOFF: Objection. Form. 12:05:43</p> <p>9 A. No, sir. 12:05:45</p> <p>10 Q. During the years that you worked as a 12:05:45</p> <p>11 police officer in Ocean Beach without passing 12:05:52</p> <p>12 the tests, you were paid as a police officer, 12:05:54</p> <p>13 correct? 12:05:58</p> <p>14 MR. NOVIKOFF: Objection. Form. 12:05:58</p> <p>15 A. I'm sorry. Rephrase that again. 12:06:03</p> <p>16 Q. Sure. 12:06:05</p> <p>17 We've established now that there were 12:06:06</p> <p>18 certain tests that Civil Service, that you were 12:06:08</p> <p>19 told Civil Service required you to take, 12:06:11</p> <p>20 correct? 12:06:13</p> <p>21 MR. NOVIKOFF: Objection. 12:06:13</p> <p>22 Q. We've gone over them, correct? 12:06:14</p> <p>23 MR. NOVIKOFF: Objection. 12:06:15</p> <p>24 Q. We've established that you passed all 12:06:17</p> <p>25 those tests, you didn't fail any of them, 12:06:19</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 120</p> <p>1 G. Bosetti</p> <p>2 correct? 12:06:21</p> <p>3 A. That's correct. 12:06:21</p> <p>4 Q. We've established that you passed 12:06:21</p> <p>5 those tests some point several years after you 12:06:23</p> <p>6 started working at Ocean Beach, correct? 12:06:25</p> <p>7 MR. NOVIKOFF: Objection. 12:06:27</p> <p>8 A. Correct. 12:06:28</p> <p>9 Q. Okay. So I'm focusing on the time 12:06:28</p> <p>10 frame between the time that you started working 12:06:30</p> <p>11 as a police officer in Ocean Beach in 2002 and 12:06:33</p> <p>12 the time that you passed those tests. 12:06:35</p> <p>13 Do you understand that time frame? 12:06:38</p> <p>14 A. Yes. 12:06:39</p> <p>15 Q. Okay. During that time frame were 12:06:40</p> <p>16 you paid as a police officer in Ocean Beach? 12:06:43</p> <p>17 A. Yes. 12:06:45</p> <p>18 Q. You carried a weapon? 12:06:45</p> <p>19 A. Yes. 12:06:47</p> <p>20 Q. Did you carry our own weapon or a 12:06:48</p> <p>21 weapon issued from the department? 12:06:50</p> <p>22 A. My own weapon. 12:06:52</p> <p>23 Q. And you had a -- did you have a 12:06:53</p> <p>24 permit or a license to that weapon? 12:06:54</p> <p>25 A. Yes. 12:06:57</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 121</p> <p>1 G. Bosetti</p> <p>2 Q. What kind of permit or license did 12:06:57</p> <p>3 you have for that weapon? 12:06:59</p> <p>4 A. Nassau County. 12:07:00</p> <p>5 Q. Was that a full carry permit? 12:07:01</p> <p>6 A. Yes, sir. 12:07:03</p> <p>7 Q. When did you get that permit? 12:07:04</p> <p>8 A. When I retired from the NYPD. 12:07:05</p> <p>9 Q. So it was some point in or around 12:07:08</p> <p>10 January of 2002? 12:07:12</p> <p>11 A. January of '02, yes, sir. 12:07:13</p> <p>12 Q. And when you worked with the city, 12:07:15</p> <p>13 you testified that you never had taken a 12:07:26</p> <p>14 polygraph, correct? 12:07:28</p> <p>15 A. That's correct. 12:07:29</p> <p>16 Q. So the polygraph that you took when 12:07:30</p> <p>17 Paradiso told you you needed to take the 12:07:33</p> <p>18 polygraph or at least take this battery of 12:07:35</p> <p>19 tests, is that the first polygraph you had ever 12:07:37</p> <p>20 taken? 12:07:40</p> <p>21 MR. NOVIKOFF: Objection. 12:07:45</p> <p>22 A. I believe so. I'm not sure, but I 12:07:49</p> <p>23 don't recall taking any other polygraph test. 12:07:52</p> <p>24 Q. Well, you didn't take one -- you may 12:07:57</p> <p>25 have taken one outside of the requirements for 12:08:00</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 the New York City Police Department? Is that 12:08:02
3 what you're saying? 12:08:03
4 A. Yes. I'm not sure, but to the best 12:08:04
5 of my knowledge, I never took a polygraph. This 12:08:07
6 is the first one I took Suffolk County? 12:08:09
7 Q. Do you recall when you took that 12:08:11
8 polygraph? 12:08:13
9 A. No, sir. 12:08:13
10 Q. You recall what year it was? 12:08:15
11 A. No, sir. 12:08:17
12 Q. Where did you take the polygraph? 12:08:17
13 A. That's a good question. I don't 12:08:23
14 recall where I took it. I don't know if it was 12:08:28
15 at the academy or another building. It was 12:08:30
16 given by Suffolk County. 12:08:32
17 Q. How were the other tests, where were 12:08:36
18 they performed? 12:08:43
19 A. Where exactly I don't recall. 12:08:44
20 The physical, I'm sorry, the physical 12:08:49
21 was at the police academy. 12:08:51
22 Q. In Suffolk County? 12:08:53
23 A. In Suffolk County, yes. 12:08:54
24 Q. And prior to that day -- 12:08:55
25 A. I'm pretty sure. 12:08:56
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1 G. Bosetti
2 Q. Had you ever been to the Suffolk 12:08:57
3 County Police Academy prior to taking your 12:08:59
4 physical? 12:09:00
5 A. Possibly. I'm not sure. 12:09:00
6 Q. And how long was it between the time 12:09:08
7 that you learned you had to take these tests 12:09:18
8 until the time you actually took the first of 12:09:20
9 these tests? 12:09:22
10 A. Again, I don't know. I'm not sure. 12:09:24
11 Q. Did you ever -- do you know why this 12:09:36
12 was being raised that you had to take these 12:09:39
13 tests for the first time several years after you 12:09:42
14 started working there? 12:09:44
15 MR. NOVIKOFF: Objection. 12:09:45
16 A. Do I know why? 12:09:48
17 Q. Yes. 12:09:51
18 MR. NOVIKOFF: Does he know why now 12:09:53
19 or did he know why at the time? 12:09:55
20 Q. Well, why don't we start with now. 12:09:56
21 MR. NOVIKOFF: Objection. 12:09:58
22 A. Do I know why? Yes. 12:10:00
23 Q. And why is that? 12:10:02
24 A. I guess the rules, regulations 12:10:03
25 changed. I don't know. I had to take the test. 12:10:08
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1 G. Bosetti
2 Q. Sitting here today, you -- I asked if 12:10:11
3 you know why you had to take them. 12:10:14
4 Your testimony is because the rules 12:10:15
5 and regulations changed? 12:10:16
6 MR. NOVIKOFF: Objection. 12:10:18
7 His testimony was what it was. 12:10:18
8 A. No. 12:10:21
9 Q. Were you speculating that the rules 12:10:21
10 changed or do you know that's the reason why? 12:10:23
11 MR. NOVIKOFF: Objection. 12:10:26
12 A. When you take a job, you don't 12:10:28
13 question their regulations; why or when or how, 12:10:30
14 you know? You accept the fact that I'm a police 12:10:33
15 officer. When they tell you now you got to take 12:10:36
16 a test, you take the test. 12:10:38
17 Q. I understand that, but I asked you a 12:10:39
18 specific question before. I asked sitting here 12:10:42
19 today, do you know why they had a change, why 12:10:44
20 you had to take the test, and you testified 12:10:48
21 something to the effect that the rules and 12:10:52
22 regulations had changed. 12:10:54
23 MR. NOVIKOFF: Objection. 12:10:55
24 Q. I wanted you to clarify that, what 12:10:56
25 you meant by that. 12:10:58
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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 12:10:59
3 Q. Could you clarify what you meant by 12:11:00
4 that? 12:11:01
5 MR. NOVIKOFF: Note my objection. 12:11:02
6 A. What might be good today isn't good 12:11:03
7 tomorrow, you know? Suddenly now you need -- 12:11:07
8 you have to take a Civil Service test. 12:11:10
9 Q. Was there some rule or regulation 12:11:12
10 that you're aware of that changed at that time? 12:11:15
11 A. No, sir. 12:11:15
12 Q. So you're speculating that a rule or 12:11:16
13 regulation changed, right? 12:11:18
14 A. Yes. 12:11:19
15 Q. Do you know how Civil Service became 12:11:22
16 aware that you hadn't taken these tests? 12:11:24
17 A. No, sir. 12:11:27
18 Q. Did you ever hear that one of the 12:11:27
19 plaintiffs called Civil Service to alert them to 12:11:31
20 the fact that you hadn't passed these tests? 12:11:33
21 MR. NOVIKOFF: Objection. 12:11:35
22 A. There was rumors to the effect but it 12:11:36
23 didn't bother me. 12:11:41
24 Q. What were those rumors? 12:11:42
25 A. I'm sorry? 12:11:43
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<p>Contains Confidential Portions</p> <p>Page 126</p> <p>1 G. Bosetti</p> <p>2 Q. What were those rumors? 12:11:43</p> <p>3 A. That somebody called Civil Service 12:11:45</p> <p>4 and now you gotta take them but... 12:11:47</p> <p>5 Q. Who was it rumored that called Civil 12:11:51</p> <p>6 Service? 12:11:53</p> <p>7 A. I don't know. I don't know. 12:11:53</p> <p>8 Q. Part of the rumors weren't who called 12:11:57</p> <p>9 Civil Service? 12:12:00</p> <p>10 A. One of these guys here. 12:12:00</p> <p>11 Q. Which one? 12:12:01</p> <p>12 A. That I don't know. 12:12:02</p> <p>13 Q. So you had heard a rumor that one of 12:12:04</p> <p>14 the guys here, meaning Fred Fiorillo, Tom 12:12:07</p> <p>15 Snyder, Kevin Lamm -- 12:12:10</p> <p>16 A. Yes. 12:12:10</p> <p>17 Q. -- called Civil Service to alert 12:12:11</p> <p>18 them that you hadn't taken the test? 12:12:12</p> <p>19 MR. NOVIKOFF: Wait. He in 12:12:15</p> <p>20 particular or officers? 12:12:16</p> <p>21 MR. GOODSTADT: Officers. 12:12:18</p> <p>22 A. Yes. 12:12:19</p> <p>23 Q. Where did you first hear that rumor? 12:12:20</p> <p>24 A. I don't recall. 12:12:22</p> <p>25 Q. Was it in the station? 12:12:22</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 127</p> <p>1 G. Bosetti</p> <p>2 A. It was at work, but where at work I 12:12:24</p> <p>3 don't know. 12:12:28</p> <p>4 Q. Who did you hear it from? 12:12:28</p> <p>5 A. That I don't recall. 12:12:30</p> <p>6 Q. Do you recall anyone you ever heard 12:12:31</p> <p>7 that rumor from? 12:12:33</p> <p>8 A. No, sir. 12:12:33</p> <p>9 Q. Who have you discussed that rumor 12:12:34</p> <p>10 with? 12:12:37</p> <p>11 A. I don't know. 12:12:37</p> <p>12 MR. NOVIKOFF: Objection. 12:12:39</p> <p>13 Q. Do you recall anyone you ever 12:12:39</p> <p>14 discussed that rumor with? 12:12:41</p> <p>15 MR. NOVIKOFF: Objection. 12:12:42</p> <p>16 A. No, not really. 12:12:42</p> <p>17 Q. And what was the actual rumor that 12:12:45</p> <p>18 you heard? 12:12:49</p> <p>19 A. Somebody was, I don't know, dropped a 12:12:49</p> <p>20 dime, called Civil Service. Like I said, it 12:12:54</p> <p>21 didn't matter to me. 12:12:59</p> <p>22 Q. Did it matter to anyone at the 12:12:59</p> <p>23 station? 12:13:02</p> <p>24 MR. NOVIKOFF: Objection. 12:13:02</p> <p>25 Q. Did anyone tell you that it mattered 12:13:03</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 128</p> <p>1 G. Bosetti</p> <p>2 to them? 12:13:05</p> <p>3 MR. NOVIKOFF: Objection. 12:13:05</p> <p>4 A. No, not that I know. 12:13:05</p> <p>5 Q. Was anyone upset by it? 12:13:07</p> <p>6 MR. NOVIKOFF: Objection. 12:13:10</p> <p>7 A. Not that I know. 12:13:10</p> <p>8 Q. Did you ever hear anyone use the 12:13:11</p> <p>9 phrase "rat" when referring to one of these 12:13:15</p> <p>10 three guys for the belief that they had called 12:13:17</p> <p>11 Civil Service? 12:13:20</p> <p>12 A. No. 12:13:20</p> <p>13 Q. You know what I mean by when I say 12:13:21</p> <p>14 "rat"? 12:13:23</p> <p>15 A. Oh, yeah. 12:13:23</p> <p>16 Q. What does that mean? 12:13:24</p> <p>17 A. Rat. They're not rats, they're 12:13:25</p> <p>18 corrupt but they're not rat. 12:13:28</p> <p>19 Q. What does a rat mean? 12:13:29</p> <p>20 A. Somebody who's going to tell things 12:13:31</p> <p>21 about other people. 12:13:38</p> <p>22 Q. Someone who's going to drop a dime on 12:13:39</p> <p>23 you? 12:13:42</p> <p>24 A. Well, if you want to use cop lingo, 12:13:42</p> <p>25 yeah. 12:13:44</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 129</p> <p>1 G. Bosetti</p> <p>2 Q. What did you mean by "drop a dime" 12:13:45</p> <p>3 when you said that before? 12:13:47</p> <p>4 A. That's it, just somebody who's going 12:13:48</p> <p>5 to, you know, just tell things I guess. 12:13:51</p> <p>6 Q. So is drop a dime someone ratting on 12:13:57</p> <p>7 you, or are those cop lingo different terms? 12:14:02</p> <p>8 MR. NOVIKOFF: Objection. I don't 12:14:05</p> <p>9 think you've established that rat is a cop 12:14:06</p> <p>10 lingo. 12:14:08</p> <p>11 A. Yeah. 12:14:08</p> <p>12 Q. Is the word -- well, why don't we 12:14:09</p> <p>13 establish that. 12:14:10</p> <p>14 You ever hear the word "rat" in 12:14:11</p> <p>15 connection with your service as a police 12:14:13</p> <p>16 officer? 12:14:15</p> <p>17 MR. NOVIKOFF: You mean saying an 12:14:15</p> <p>18 actual rat or -- 12:14:16</p> <p>19 MR. GOODSTADT: No. 12:14:18</p> <p>20 A. Excuse me. Yes. 12:14:19</p> <p>21 Q. And did you ever hear that word used 12:14:20</p> <p>22 in reference to another police officer? 12:14:22</p> <p>23 A. To another police officer, yes. 12:14:24</p> <p>24 Q. Or about another police officer? 12:14:25</p> <p>25 A. Yes. 12:14:27</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 130</p> <p>1 G. Bosetti</p> <p>2 Q. Okay. What does it mean to be a rat 12:14:27</p> <p>3 in connection with you hearing one police 12:14:32</p> <p>4 officer using the term about another police 12:14:37</p> <p>5 officer. 12:14:39</p> <p>6 A. It's -- it could be a broad term too. 12:14:43</p> <p>7 You know, somebody who tells something that, you 12:14:46</p> <p>8 know, nobody else is supposed to know. 12:14:51</p> <p>9 Q. And what is your understanding of the 12:14:54</p> <p>10 term "drop a dime" in police lingo, same thing? 12:14:56</p> <p>11 A. Basically, yes. 12:15:02</p> <p>12 Q. Did you ever hear anyone use the term 12:15:10</p> <p>13 "rat" in connection with any of the plaintiffs 12:15:12</p> <p>14 in this case? 12:15:14</p> <p>15 MR. NOVIKOFF: Objection. Asked and 12:15:15</p> <p>16 answered. 12:15:16</p> <p>17 A. No, sir. 12:15:16</p> <p>18 Q. Did you ever use the word "rat" in 12:15:17</p> <p>19 connection with any of the plaintiffs in this 12:15:21</p> <p>20 case? 12:15:23</p> <p>21 MR. NOVIKOFF: Objection. Asked and 12:15:23</p> <p>22 answered. 12:15:24</p> <p>23 A. No, sir. 12:15:24</p> <p>24 Q. How about the term "Civil Service 12:15:24</p> <p>25 rat"? Did you ever hear anyone use that term in 12:15:27</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 131</p> <p>1 G. Bosetti</p> <p>2 connection with any of the plaintiffs in this 12:15:31</p> <p>3 case? 12:15:31</p> <p>4 A. No, sir. 12:15:32</p> <p>5 Q. Have you ever used that term, "Civil 12:15:32</p> <p>6 Service rat"? 12:15:35</p> <p>7 A. No, sir. 12:15:35</p> <p>8 Q. You ever hear George Hesse use that 12:15:37</p> <p>9 term, "Civil Service rat"? 12:15:40</p> <p>10 A. I never heard him. 12:15:41</p> <p>11 Q. Do you know what the term "mutt" 12:15:42</p> <p>12 means in police lingo? Is there a term "mutt"? 12:15:44</p> <p>13 A. In police lingo? I don't know if 12:15:47</p> <p>14 it's police lingo but, you know, yes. 12:15:52</p> <p>15 Q. What's your understanding of the word 12:15:56</p> <p>16 "mutt" in connection with not the actual dog 12:15:58</p> <p>17 that's walking around? 12:16:03</p> <p>18 A. Right. 12:16:04</p> <p>19 Somebody isn't so good. 12:16:10</p> <p>20 Q. What do you mean somebody isn't so 12:16:12</p> <p>21 good? 12:16:12</p> <p>22 A. You know, not a nice person. 12:16:15</p> <p>23 Q. Does mutt have anything to do with 12:16:18</p> <p>24 the same definition that you gave for rat and 12:16:20</p> <p>25 drop a dime or is it something different? 12:16:26</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 132</p> <p>1 G. Bosetti</p> <p>2 MR. NOVIKOFF: Objection. 12:16:28</p> <p>3 A. I don't know. I gotta go back and 12:16:28</p> <p>4 check the dictionary but... 12:16:33</p> <p>5 Q. You were a police officer for 27 12:16:35</p> <p>6 years, correct? 12:16:37</p> <p>7 A. Twenty-six. 12:16:38</p> <p>8 MR. NOVIKOFF: I think he testified 12:16:40</p> <p>9 that mutt is not necessarily a police lingo 12:16:41</p> <p>10 word. 12:16:41</p> <p>11 MR. GOODSTADT: And then he testified 12:16:43</p> <p>12 it was. 12:16:44</p> <p>13 MR. NOVIKOFF: No, I don't think he 12:16:45</p> <p>14 did. 12:16:46</p> <p>15 MR. GOODSTADT: Yes, he did. 12:16:46</p> <p>16 MR. NOVIKOFF: Okay. 12:16:47</p> <p>17 A. A mutt, that's not a nice person. 12:16:49</p> <p>18 Q. So is it your understanding that's 12:16:51</p> <p>19 different than the term "rat" or "drop a dime"? 12:16:53</p> <p>20 A. Yes. 12:16:55</p> <p>21 MR. NOVIKOFF: Objection. 12:16:56</p> <p>22 Q. Who else, to your knowledge, had to 12:17:01</p> <p>23 take these tests at or around the same time you 12:17:03</p> <p>24 did who were police officers in Ocean Beach? 12:17:05</p> <p>25 A. Let's see. I know my brother did. 12:17:08</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 133</p> <p>1 G. Bosetti</p> <p>2 Q. Okay. 12:17:11</p> <p>3 A. Who else. 12:17:14</p> <p>4 Oh, Arnie Hardman. 12:17:15</p> <p>5 Q. Anyone else who you're aware of? 12:17:19</p> <p>6 A. I'm trying to think. There might 12:17:24</p> <p>7 have been somebody else, but I can't recall. 12:17:32</p> <p>8 Q. Did Ty Bacon have to take the tests? 12:17:34</p> <p>9 A. I'm not sure. 12:17:39</p> <p>10 Q. On the days that you went to take the 12:17:44</p> <p>11 different tests, did you go by yourself or did 12:17:47</p> <p>12 you go with somebody? 12:17:49</p> <p>13 A. I think there was other people except 12:17:50</p> <p>14 for the poly. 12:17:57</p> <p>15 Q. The poly -- 12:17:57</p> <p>16 A. I went myself. 12:17:57</p> <p>17 Q. So the poly you went yourself, the 12:17:57</p> <p>18 other tests had other people there that day? 12:17:59</p> <p>19 A. Yes, sir. 12:18:01</p> <p>20 Q. Who else was there on the day you 12:18:01</p> <p>21 took the physical? 12:18:03</p> <p>22 A. It was myself, my brother Richard 12:18:05</p> <p>23 Bosetti, Arnie Hardman. I keep thinking there's 12:18:12</p> <p>24 somebody else. I just can't place them. 12:18:19</p> <p>25 Q. Did either Hesse or Paradiso go with 12:18:21</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 you to the physical? 12:18:24
3 A. Paradiso was at the physical. 12:18:25
4 Q. Who was there on the day that you 12:18:28
5 took the psychological? 12:18:32
6 A. Nobody. 12:18:38
7 Other cops you mean. 12:18:43
8 Q. Other cops. I mean other cops at 12:18:44
9 Ocean Beach. I'm not talking about people you 12:18:49
10 didn't know. 12:18:51
11 A. Geez. I don't know if my brother 12:18:51
12 took it the same day as me or not. I'm not 12:18:53
13 sure. Sorry. 12:18:59
14 Q. Did either Paradiso or Hesse attend 12:19:00
15 the psychological with you? 12:19:04
16 A. No. Oh, no, no. 12:19:05
17 Q. Where was the psychological given? 12:19:08
18 A. That I don't recall. 12:19:12
19 Q. How about the medical? Anybody else 12:19:13
20 go the same day as you for the medical? 12:19:16
21 A. I'm sure they did. I just don't 12:19:20
22 recall. 12:19:23
23 Q. Where did you take the medical? 12:19:23
24 A. That I don't recall. 12:19:25
25 Q. Did Paradiso or Hesse attend the 12:19:26
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1 G. Bosetti
2 medical with you? 12:19:28
3 A. I don't believe so. 12:19:29
4 Q. Do you know whether Pat Cherry was 12:19:35
5 ever told that he needed to take these tests? 12:19:40
6 A. That I don't know. 12:19:43
7 Q. Was Pat Cherry a cop at Ocean Beach? 12:19:44
8 A. I believe -- I don't want to say. I 12:19:47
9 thought maybe his first year. Then he became a 12:19:54
10 dispatcher or he was always a dispatcher. I'm 12:19:56
11 not sure. 12:20:00
12 Q. Did you have to fill out any 12:20:06
13 paperwork in connection with any of these tests? 12:20:08
14 A. I'm sure I did. I don't remember. 12:20:10
15 Q. Do you recall which tests you had to 12:20:15
16 fill out paperwork for? 12:20:17
17 A. Whenever you take a test, there's 12:20:18
18 always some paperwork involved. 12:20:20
19 Q. So you had to fill out paperwork for 12:20:22
20 each of the four tests? 12:20:24
21 A. I believe so. 12:20:25
22 Q. And I know we talked about the four 12:20:26
23 tests. 12:20:30
24 Do you know whether a background was 12:20:31
25 done of you at that time as well? 12:20:33
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1 G. Bosetti
2 MR. NOVIKOFF: Objection. Asked and 12:20:34
3 answered. 12:20:35
4 A. I don't know. 12:20:35
5 Q. Did you have to fill out any 12:20:38
6 background information at or about that time? 12:20:41
7 A. Yes, I believe we did. 12:20:45
8 Q. And what background information did 12:20:47
9 you fill out? What were the forms? 12:20:51
10 A. An in-depth background. 12:20:54
11 Q. What do you mean by an in-depth 12:20:59
12 background? 12:21:03
13 A. All kinds of questions. 12:21:03
14 Q. Did you keep a copy of any of the 12:21:09
15 paperwork that you filled out? 12:21:11
16 A. No. 12:21:12
17 Q. Who did you give the paperwork to for 12:21:12
18 these tests? Who did you submit them to? 12:21:15
19 A. I don't know if it was Sergeant Hesse 12:21:18
20 or Chief Paradiso. 12:21:25
21 Q. Did you submit any paperwork to the 12:21:29
22 county or you just submitted them to Hesse or 12:21:31
23 Paradiso? 12:21:36
24 MR. NOVIKOFF: Objection. 12:21:36
25 A. I believe I just submitted it to 12:21:37
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1 G. Bosetti
2 them. 12:21:38
3 Q. To Hesse or Paradiso? 12:21:39
4 A. Yes, sir. 12:21:41
5 Q. Did you ever hear of the Ocean Beach 12:21:41
6 Police Department Applicant Investigation 12:21:47
7 Section? 12:21:48
8 A. No, sir. 12:21:51
9 Q. You never heard of any such entity or 12:21:53
10 section? 12:21:55
11 A. No, sir. 12:21:57
12 MR. GOODSTADT: Mark this as 12:22:00
13 G. Bosetti 3. 12:22:02
14 (Plaintiffs' Exhibit G. Bosetti 3, 12:22:52
15 Incorporated Village of Ocean Beach Police 12:22:52
16 Department Questionnaire dated 5/4/05, 12:22:58
17 marked for identification, as of this 12:22:58
18 date.) 12:22:58
19 MR. GOODSTADT: I've placed in front 12:22:26
20 of Mr. Bosetti what's now been marked as 12:22:27
21 G. Bosetti 3. It is a multiple page 12:22:30
22 exhibit and it bears Bates numbers 8221 12:22:32
23 through 8240. 12:22:35
24 BY MR. GOODSTADT: 12:22:39
25 Q. Mr. Bosetti, do you recognize the 12:22:39
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<p>Contains Confidential Portions</p> <p>Page 138</p> <p>1 G. Bosetti</p> <p>2 document that's now been marked as G. Bosetti 4? 12:22:41</p> <p>3 MR. NOVIKOFF: Three or four? 12:22:44</p> <p>4 MR. GOODSTADT: Oh, three. I 12:22:45</p> <p>5 apologize. Three. 12:22:46</p> <p>6 A. Yes, sir. 12:22:47</p> <p>7 Q. And what is the document? 12:22:47</p> <p>8 A. Incorporated Village of Ocean Beach 12:22:49</p> <p>9 Police Department Questionnaire. That's what I 12:22:55</p> <p>10 had to fill out, I believe, when I was taking my 12:22:59</p> <p>11 test. 12:23:02</p> <p>12 Q. So this is the documentation that you 12:23:02</p> <p>13 testified to before that you had to fill out? 12:23:06</p> <p>14 MR. NOVIKOFF: Objection. 12:23:07</p> <p>15 A. Yes, sir. 12:23:11</p> <p>16 Q. Do you know which test this was 12:23:11</p> <p>17 related to, if any? 12:23:17</p> <p>18 A. Which test this was related to? 12:23:18</p> <p>19 Q. Yes. Was it paperwork that you had 12:23:20</p> <p>20 to fill out for one of the specific tests that 12:23:24</p> <p>21 you were taking at the time? 12:23:27</p> <p>22 A. I must have. 12:23:27</p> <p>23 (Document review.) 12:23:33</p> <p>24 A. This is the physical, right? 12:23:33</p> <p>25 (Document review.) 12:23:36</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 139</p> <p>1 G. Bosetti</p> <p>2 Q. Does looking through it refresh your 12:23:52</p> <p>3 recollection? 12:23:54</p> <p>4 A. Yes. Sorry. 12:23:55</p> <p>5 What was your question, I'm sorry? 12:23:57</p> <p>6 Q. Do you know whether this paperwork 12:23:59</p> <p>7 that's now been marked as G. Bosetti 3 was 12:24:00</p> <p>8 filled out in connection with any of the 12:24:03</p> <p>9 specific tests that you'd taken in connection 12:24:05</p> <p>10 with Suffolk County Civil Service? 12:24:09</p> <p>11 A. I believe so. 12:24:11</p> <p>12 Q. Which test was this filled out in 12:24:14</p> <p>13 connection with? 12:24:19</p> <p>14 A. I don't know if it was one test or 12:24:19</p> <p>15 just something you had to fill out a booklet and 12:24:21</p> <p>16 hand in. 12:24:23</p> <p>17 Q. Did you have to fill out -- well, 12:24:23</p> <p>18 strike that. 12:24:27</p> <p>19 The first page, about halfway down is 12:24:28</p> <p>20 a signature block. 12:24:30</p> <p>21 Do you see that? 12:24:31</p> <p>22 (Document review.) 12:24:33</p> <p>23 A. First page? 12:24:35</p> <p>24 Q. On page 8221. 12:24:36</p> <p>25 A. Yes. 12:24:38</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 140</p> <p>1 G. Bosetti</p> <p>2 Q. Do you see that -- 12:24:38</p> <p>3 A. Yes. 12:24:39</p> <p>4 Q. -- signature block? 12:24:40</p> <p>5 Is that your signature next to the 12:24:41</p> <p>6 word "signature"? 12:24:42</p> <p>7 A. Yes, sir. 12:24:43</p> <p>8 Q. And then it's dated 5/4/05? 12:24:43</p> <p>9 Do you see that? 12:24:46</p> <p>10 A. Yes, sir. 12:24:47</p> <p>11 Q. So it's May 4th, 2005? 12:24:47</p> <p>12 Does this refresh your recollection 12:24:48</p> <p>13 as to the time period in which you were taking 12:24:50</p> <p>14 these tests? 12:24:53</p> <p>15 A. Yeah, it must be. 12:24:54</p> <p>16 Q. Did you fill this out before taking 12:24:56</p> <p>17 the tests? 12:24:57</p> <p>18 A. I don't recall. I would think so. 12:24:58</p> <p>19 Q. Why would you think so? 12:25:05</p> <p>20 A. Always had to do paperwork first. 12:25:06</p> <p>21 Q. Did you fill out paperwork that was 12:25:11</p> <p>22 similar to this in 2002 prior to starting to 12:25:13</p> <p>23 work at Ocean Beach? 12:25:18</p> <p>24 A. Similar to this I don't recall. 12:25:18</p> <p>25 Q. If you look at the first page again, 12:25:23</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 141</p> <p>1 G. Bosetti</p> <p>2 which is 8221, do you see in the corner 8221? 12:25:25</p> <p>3 A. Yes, sir. 12:25:27</p> <p>4 Q. If you look down on the first 12:25:28</p> <p>5 paragraph, it says, "I, Gary Bosetti..." and you 12:25:31</p> <p>6 filled that in, Gary Bosetti there? 12:25:34</p> <p>7 A. Yes. 12:25:35</p> <p>8 Q. "...understand that failure to 12:25:37</p> <p>9 complete and return the questionnaire and 12:25:38</p> <p>10 documents I have been personally given today to 12:25:40</p> <p>11 the Ocean Beach Police Department Application 12:25:43</p> <p>12 [sic] Investigation Section no that later than 12:25:45</p> <p>13 11 a.m. on 5/5/05 -- 5/15/05..." 12:25:48</p> <p>14 Do you see that? 12:25:51</p> <p>15 A. Yes. 12:25:51</p> <p>16 Q. Does that refresh your recollection 12:25:51</p> <p>17 as to what an Ocean Beach Police Department 12:25:52</p> <p>18 Applicant Investigation Section is? 12:25:55</p> <p>19 MR. NOVIKOFF: Objection. 12:25:57</p> <p>20 I don't think his recollection needed 12:25:59</p> <p>21 to be refreshed. 12:26:01</p> <p>22 A. Yes, sir, I guess so. 12:26:05</p> <p>23 Q. Did you return this to the Ocean 12:26:07</p> <p>24 Beach Police Department Applicant Investigation 12:26:11</p> <p>25 Section as it says that you should do on page 12:26:11</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 8221? 12:26:15
3 A. I must have. 12:26:17
4 Q. And who in the Ocean Beach Police 12:26:19
5 Department Applicant Investigation Section did 12:26:21
6 you return this to? 12:26:22
7 A. It was either Chief Paradiso or 12:26:25
8 George Hesse. 12:26:30
9 Q. Do you know who was the head of that 12:26:30
10 section? 12:26:36
11 A. No, sir, I don't. 12:26:36
12 Q. Do you know what that section did? 12:26:37
13 MR. NOVIKOFF: Objection. Assuming 12:26:41
14 there's even a section. 12:26:43
15 A. Investigate applicants. 12:26:44
16 Q. What's your basis of understanding 12:26:47
17 that, just the name of it? 12:26:49
18 A. That's what they do. That's what it 12:26:51
19 says. That's the name of it. 12:26:53
20 Q. Do you know when that section was 12:26:58
21 created? 12:27:00
22 A. No, sir, I don't. 12:27:01
23 Q. And it says that if it's not 12:27:02
24 provided -- is provided "...no later than 11 12:27:05
25 a.m. on 5/15/05 that shall result in the removal 12:27:10
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1 G. Bosetti
2 of your name from the current certified list of 12:27:14
3 police officer candidates." 12:27:17
4 Do you see that? 12:27:18
5 A. Yes, I do. 12:27:18
6 Q. What certified list of police officer 12:27:19
7 candidates is that referring to? 12:27:21
8 MR. NOVIKOFF: Objection. 12:27:22
9 A. I don't know. 12:27:24
10 Q. So in May of '05, you don't know if 12:27:25
11 you were on some certified list of police 12:27:29
12 officer candidates? 12:27:33
13 A. I was a police officer. I must have 12:27:35
14 been certified. 12:27:39
15 Q. Well, my question was do you know any 12:27:40
16 certified list of police officer candidates in 12:27:43
17 which you were on as of May 5th -- as of May 12:27:45
18 4th, 2005? 12:27:49
19 A. No, sir. 12:27:50
20 Q. Do you know whether George Hesse had 12:27:51
21 training in performing background 12:28:00
22 investigations? 12:28:02
23 A. I don't know. 12:28:04
24 Q. If you look at the third page, which 12:28:08
25 is 8223 -- 12:28:11
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1 G. Bosetti
2 A. Yes. 12:28:13
3 Q. -- if you look about two-thirds of 12:28:13
4 the way down there's a box that says, "Signed" 12:28:16
5 with a signature next to it. 12:28:19
6 Do you see that? 12:28:20
7 A. Yes, sir. 12:28:20
8 Q. And that's your signature? 12:28:21
9 A. Yes, sir. 12:28:22
10 Q. If you look under it, there's a 12:28:23
11 notary public, not a stamp but it's a 12:28:27
12 handwritten notary public qualification. 12:28:30
13 Do you see that? 12:28:32
14 A. Yes. 12:28:32
15 Q. And that's Arnold E. Hardman. 12:28:33
16 Do you see that? 12:28:35
17 A. Yes. 12:28:35
18 Q. Is that the same Hardman who is a 12:28:36
19 police officer in Ocean Beach? 12:28:39
20 A. One and the same, yes. 12:28:39
21 Q. And he was required to take these 12:28:41
22 tests also at that time? 12:28:45
23 MR. NOVIKOFF: Objection. 12:28:47
24 Q. He's one of the guys you testified to 12:28:48
25 before? 12:28:50
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1 G. Bosetti
2 A. Yes, I believe so. 12:28:50
3 Q. Now if you look the third paragraph 12:28:51
4 down, it says, "On 5/1/05, Commanding Officer 12:28:54
5 George Hesse of the Ocean Beach Police 12:29:00
6 Department Applicant Investigation Section has 12:29:03
7 advised me that at this point in the selection 12:29:04
8 process I am being presented with a conditional 12:29:09
9 offer of employment in accordance with 42 U.S.C. 12:29:11
10 Section 12112 of the Americans with Disabilities 12:29:15
11 Act." 12:29:18
12 Do you see that? 12:29:18
13 A. Yes, sir. 12:29:18
14 Q. In May of '05, did George Hesse give 12:29:19
15 you some kind of conditional offer of 12:29:21
16 employment? 12:29:23
17 MR. NOVIKOFF: Other than what's 12:29:25
18 stated in here? 12:29:27
19 Q. Do you recall him giving a 12:29:27
20 conditional offer of employment? 12:29:29
21 MR. NOVIKOFF: Objection. 12:29:31
22 A. I don't recall that. 12:29:31
23 Q. Were you applying for employment with 12:29:32
24 Ocean Beach at this time in May of '05? 12:29:34
25 A. I was employed at Ocean Beach at this 12:29:37
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<p>Contains Confidential Portions</p> <p>Page 146</p> <p>1 G. Bosetti</p> <p>2 time. 12:29:39</p> <p>3 Q. So if you look at the paragraph 12:29:39</p> <p>4 before that where it says, "As part of this 12:29:40</p> <p>5 preemployment stage of the selection process, a 12:29:42</p> <p>6 background investigation of my character has 12:29:45</p> <p>7 been initiated," do you see that? 12:29:46</p> <p>8 A. Yes. 12:29:48</p> <p>9 Q. What was your understanding of the 12:29:48</p> <p>10 preemployment stage of your selection process at 12:29:50</p> <p>11 that time? 12:29:52</p> <p>12 MR. NOVIKOFF: Objection. Assuming 12:29:52</p> <p>13 he had an understanding. 12:29:54</p> <p>14 A. I'm sorry. Rephrase that question. 12:29:57</p> <p>15 Let me put my glasses back on. 12:29:58</p> <p>16 Q. I just want to know what your 12:30:00</p> <p>17 understanding of the paragraph above the one, 12:30:01</p> <p>18 well, the one that I just read actually, that 12:30:04</p> <p>19 paragraph, what that means, meaning what is the 12:30:06</p> <p>20 preemployment stage of the selection process 12:30:09</p> <p>21 that's being referred to there. If you know. 12:30:11</p> <p>22 MR. NOVIKOFF: What it means to whom, 12:30:13</p> <p>23 Hesse? 12:30:15</p> <p>24 MR. GOODSTADT: To him, Mr. Bosetti. 12:30:16</p> <p>25 MR. NOVIKOFF: Objection. 12:30:17</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 147</p> <p>1 G. Bosetti</p> <p>2 MR. GOODSTADT: I mean he's signing 12:30:18</p> <p>3 something under oath that has those words 12:30:18</p> <p>4 on it so I just want to know what his 12:30:20</p> <p>5 understanding was. 12:30:21</p> <p>6 MR. NOVIKOFF: Objection. 12:30:22</p> <p>7 A. Okay. Ask me that again. I'm sorry. 12:30:29</p> <p>8 MR. NOVIKOFF: Just because he signed 12:30:32</p> <p>9 it I mean... 12:30:33</p> <p>10 If you can answer the question. I'm 12:30:34</p> <p>11 confused by it. 12:30:35</p> <p>12 MR. GOODSTADT: Okay. 12:30:37</p> <p>13 Q. The question is, what is your 12:30:37</p> <p>14 understanding of the phrase the "preemployment 12:30:40</p> <p>15 stage of the selection process" as it refers to 12:30:43</p> <p>16 in the second paragraph on 8223? 12:30:46</p> <p>17 MR. NOVIKOFF: Objection. Form. 12:30:49</p> <p>18 A. Preemployment stage. Before you can 12:30:53</p> <p>19 get the job, you gotta take -- you gotta do this 12:30:56</p> <p>20 stuff here. 12:30:59</p> <p>21 Q. So in May of '05, you testified a 12:30:59</p> <p>22 moment ago that you were already employed by 12:31:03</p> <p>23 Ocean Beach, correct? 12:31:05</p> <p>24 A. That's correct. 12:31:05</p> <p>25 Q. What were you employed as prior to 12:31:06</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 148</p> <p>1 G. Bosetti</p> <p>2 taking -- 12:31:08</p> <p>3 A. Police officer. 12:31:08</p> <p>4 Q. And now if you look at the paragraph 12:31:09</p> <p>5 under, two under that paragraph, so the one that 12:31:11</p> <p>6 starts, "I understand that this offer of 12:31:14</p> <p>7 employment..." do you see that? 12:31:15</p> <p>8 A. Yes, sir. 12:31:16</p> <p>9 Q. It says, "I understand that this 12:31:16</p> <p>10 offer of employment is conditional upon my 12:31:18</p> <p>11 taking and successfully passing a medical exam, 12:31:20</p> <p>12 a psychological examination, a polygraph 12:31:23</p> <p>13 examination and a physical fitness screening as 12:31:26</p> <p>14 administered by the Suffolk County Department of 12:31:28</p> <p>15 Civil Service." 12:31:29</p> <p>16 You see that? 12:31:31</p> <p>17 A. Yes. 12:31:31</p> <p>18 Q. Now at that point in time did you 12:31:31</p> <p>19 understand that you had an offer of employment 12:31:35</p> <p>20 in May of '05 or was it your understanding that 12:31:39</p> <p>21 you were actually employed? 12:31:41</p> <p>22 A. Offer of employment? 12:31:41</p> <p>23 MR. NOVIKOFF: Let the question be 12:31:43</p> <p>24 finished. 12:31:44</p> <p>25 MR. GOODSTADT: That is the question. 12:31:45</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 149</p> <p>1 G. Bosetti</p> <p>2 MR. NOVIKOFF: Oh, I'm sorry. Object 12:31:46</p> <p>3 to the form of the question. 12:31:47</p> <p>4 I think he's already testified to 12:31:49</p> <p>5 what his understanding is. 12:31:50</p> <p>6 A. As far as what I understood was that 12:31:52</p> <p>7 I was a police officer. Basically that's it. I 12:31:54</p> <p>8 was a police officer and now -- I don't know. 12:31:59</p> <p>9 Rephrase it again. Ask me something -- 12:32:02</p> <p>10 Q. I just want to know your 12:32:04</p> <p>11 understanding of whether you actually had an 12:32:05</p> <p>12 offer of employment in May of 2005 as reflected 12:32:07</p> <p>13 on 8223. 12:32:11</p> <p>14 MR. NOVIKOFF: Objection form. 12:32:12</p> <p>15 A. I'm just -- I'm a little confused and 12:32:13</p> <p>16 I don't want to answer it, you know, I don't 12:32:18</p> <p>17 want to lie to you or say anything, but I was a 12:32:19</p> <p>18 police officer and, you know, taking these tests 12:32:22</p> <p>19 was just a step I had to do. 12:32:26</p> <p>20 Q. Okay. So each year that you came 12:32:28</p> <p>21 back for the next season -- 12:32:31</p> <p>22 A. Yes, sir. 12:32:35</p> <p>23 Q. -- were you given an offer of 12:32:35</p> <p>24 employment or you just were employed as a police 12:32:37</p> <p>25 officer from '02 through February of '08? 12:32:39</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 150</p> <p>1 G. Bosetti</p> <p>2 MR. NOVIKOFF: Objection. 12:32:41</p> <p>3 A. Well, the way I understood it, you 12:32:43</p> <p>4 had to be invited back. 12:32:45</p> <p>5 Q. Okay. Were you actually given any 12:32:47</p> <p>6 kind of paperwork that says you were being 12:32:49</p> <p>7 invited back, congratulations, you're being 12:32:51</p> <p>8 rehired for this year? 12:32:54</p> <p>9 A. No, sir. 12:32:55</p> <p>10 Q. What was your understanding you had 12:32:55</p> <p>11 to be invited back from? 12:32:57</p> <p>12 A. That it was a seasonal position. 12:32:58</p> <p>13 Q. But, sir, you testified -- 12:33:02</p> <p>14 MR. NOVIKOFF: Whoa, whoa, whoa. Are 12:33:03</p> <p>15 you done with your answer? 12:33:04</p> <p>16 MR. GOODSTADT: No, I -- 12:33:06</p> <p>17 MR. NOVIKOFF: No, wait, wait. Just 12:33:06</p> <p>18 like you instruct everyone, you ask the 12:33:07</p> <p>19 questions, you asked him what his 12:33:09</p> <p>20 understanding was and his beliefs, the 12:33:10</p> <p>21 witness started answering the question, so 12:33:13</p> <p>22 I'm going to ask the court reporter if you 12:33:13</p> <p>23 could just read what the witness' answer 12:33:15</p> <p>24 was and then if the witness feels he has to 12:33:16</p> <p>25 complete his answer, he will. 12:33:19</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 151</p> <p>1 G. Bosetti</p> <p>2 If he doesn't, he doesn't. 12:33:20</p> <p>3 BY MR. GOODSTADT: 12:33:22</p> <p>4 Q. So I'll take as much as you want to 12:33:22</p> <p>5 give me. That's fine. 12:33:23</p> <p>6 MR. NOVIKOFF: So just start with the 12:33:25</p> <p>7 answer. 12:33:27</p> <p>8 BY MR. GOODSTADT: 12:33:27</p> <p>9 Q. As much information as you want to 12:33:29</p> <p>10 give me, I'm happy to take. 12:33:30</p> <p>11 A. I understand that. 12:33:31</p> <p>12 (Question was read back as follows: 12:33:31</p> <p>13 "ANSWER: That it was a seasonal 12:32:59</p> <p>14 position.") 12:33:01</p> <p>15 BY MR. GOODSTADT: 12:33:43</p> <p>16 Q. Did you want to finish that answer? 12:33:43</p> <p>17 A. It was part time. That's all. 12:33:47</p> <p>18 Q. So was it a seasonal or part time? 12:33:48</p> <p>19 MR. CONNOLLY: Objection. 12:33:52</p> <p>20 MR. GOODSTADT: Did you object to 12:33:54</p> <p>21 that question? 12:33:55</p> <p>22 MR. NOVIKOFF: Kevin did. 12:33:57</p> <p>23 A. To me it meant the same thing. Maybe 12:34:00</p> <p>24 it's not, but to me it meant the same thing; 12:34:03</p> <p>25 seasonal and part time. 12:34:06</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 152</p> <p>1 G. Bosetti</p> <p>2 Q. So your understanding it was a 12:34:08</p> <p>3 part-time police officer that invited you back? 12:34:11</p> <p>4 MR. NOVIKOFF: Objection. 12:34:12</p> <p>5 Q. Is that your understanding, sir? 12:34:15</p> <p>6 A. Yes. Part time, seasonal. 12:34:16</p> <p>7 Q. And when you say you were part time 12:34:19</p> <p>8 and had to be invited back, when did they decide 12:34:22</p> <p>9 that you had to be invited back? 12:34:24</p> <p>10 A. When? 12:34:26</p> <p>11 Q. Yeah. What time frame were you 12:34:27</p> <p>12 invited back as a part-time police officer? 12:34:29</p> <p>13 A. Well, it happened that I worked once 12:34:31</p> <p>14 a week through the winter also so... 12:34:35</p> <p>15 Q. So you were invited back each week? 12:34:37</p> <p>16 MR. NOVIKOFF: No, no, no. He's not 12:34:39</p> <p>17 done with his answer. 12:34:40</p> <p>18 Q. You can finish. 12:34:41</p> <p>19 A. Go right ahead. 12:34:42</p> <p>20 Q. So you were invited back each week? 12:34:43</p> <p>21 Is that your understanding? 12:34:46</p> <p>22 A. After the summer when they needed 12:34:47</p> <p>23 bodies to fill in, I would be called up and 12:34:54</p> <p>24 asked to work. 12:34:57</p> <p>25 Q. I understand that you'd be asked to 12:34:57</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 153</p> <p>1 G. Bosetti</p> <p>2 be on the schedule. I'm talking about inviting 12:35:00</p> <p>3 you back. That's a term you phrased. 12:35:02</p> <p>4 MR. NOVIKOFF: As a part-time 12:35:04</p> <p>5 employee. 12:35:05</p> <p>6 Q. As a part-time police officer. 12:35:06</p> <p>7 A. Yes. 12:35:07</p> <p>8 Q. Did they invite you back? 12:35:08</p> <p>9 Your understanding what you meant by 12:35:09</p> <p>10 inviting back? 12:35:09</p> <p>11 MR. NOVIKOFF: No, object -- 12:35:09</p> <p>12 MR. GOODSTADT: No, no. Let me 12:35:13</p> <p>13 finish the question. You're objecting in 12:35:13</p> <p>14 the middle of it. 12:35:15</p> <p>15 MR. NOVIKOFF: Well, I thought you 12:35:15</p> <p>16 were done with it, Andrew. 12:35:16</p> <p>17 MR. GOODSTADT: I'm not. 12:35:16</p> <p>18 BY MR. GOODSTADT: 12:35:17</p> <p>19 Q. Using your phrase "invited back" -- 12:35:17</p> <p>20 MR. NOVIKOFF: Your phrase. 12:35:19</p> <p>21 MR. GOODSTADT: No, no. 12:35:19</p> <p>22 MR. NOVIKOFF: And then you asked him 12:35:20</p> <p>23 the question about inviting back. 12:35:21</p> <p>24 I mean you asked him if he's invited 12:35:23</p> <p>25 back as a part time... Presumably, Andrew, 12:35:26</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 154</p> <p>1 G. Bosetti</p> <p>2 if you're a part-time employee and they 12:35:28</p> <p>3 don't ask you to come back for another 12:35:30</p> <p>4 shift, then they haven't invited you back 12:35:32</p> <p>5 as a part-time employee. 12:35:33</p> <p>6 I mean I don't know where you're 12:35:35</p> <p>7 going with this. I mean you obviously are 12:35:36</p> <p>8 trying to confuse the witness. You know 12:35:38</p> <p>9 there's a difference between part -- 12:35:40</p> <p>10 MR. GOODSTADT: The day that your 12:35:42</p> <p>11 deposition is taken, you can answer the 12:35:43</p> <p>12 questions. 12:35:44</p> <p>13 MR. NOVIKOFF: Okay. 12:35:44</p> <p>14 MR. GOODSTADT: Let this off -- let 12:35:45</p> <p>15 this witness testify -- 12:35:47</p> <p>16 MR. NOVIKOFF: I am. 12:35:48</p> <p>17 MR. GOODSTADT: -- and you can make 12:35:49</p> <p>18 your objection. You understand it's 12:35:49</p> <p>19 inappropriate to make speaking objections, 12:35:51</p> <p>20 that's what you're doing and I'm going to 12:35:53</p> <p>21 ask you to stop. 12:35:54</p> <p>22 If you keep doing it, we'll have to 12:35:54</p> <p>23 get on the phone with the court. 12:35:56</p> <p>24 MR. NOVIKOFF: Well -- 12:35:56</p> <p>25 MR. GOODSTADT: I've given you as 12:35:57</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 155</p> <p>1 G. Bosetti</p> <p>2 much latitude as I can but -- 12:35:57</p> <p>3 MR. NOVIKOFF: I think this is the 12:35:58</p> <p>4 only time I've done it and -- 12:35:59</p> <p>5 MR. GOODSTADT: -- now you're 12:36:00</p> <p>6 testifying for the witness. 12:36:00</p> <p>7 MR. NOVIKOFF: I think -- 12:36:02</p> <p>8 MR. GOODSTADT: Now you're testifying 12:36:03</p> <p>9 for the witness. 12:36:04</p> <p>10 MR. NOVIKOFF: I think that's the 12:36:04</p> <p>11 only time I've done it because you really 12:36:04</p> <p>12 are purposely trying to confuse the 12:36:05</p> <p>13 witness. 12:36:06</p> <p>14 MR. GOODSTADT: I'm not purposely 12:36:06</p> <p>15 trying -- 12:36:07</p> <p>16 MR. NOVIKOFF: You are, you are. 12:36:07</p> <p>17 MR. GOODSTADT: He's testified he was 12:36:08</p> <p>18 a part-time police officer. Then he 12:36:09</p> <p>19 testified that -- 12:36:10</p> <p>20 MR. NOVIKOFF: He testified he was 12:36:15</p> <p>21 seasonal. 12:36:16</p> <p>22 MR. GOODSTADT: He didn't testify he 12:36:16</p> <p>23 was seasonal. He never testified he was 12:36:18</p> <p>24 seasonal. 12:36:19</p> <p>25 MR. NOVIKOFF: Oh, I think he did. I 12:36:19</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 156</p> <p>1 G. Bosetti</p> <p>2 think he did. 12:36:21</p> <p>3 MR. GOODSTADT: The record will speak 12:36:21</p> <p>4 for what he testified to. 12:36:22</p> <p>5 MR. NOVIKOFF: It does. 12:36:22</p> <p>6 MR. GOODSTADT: And he'll do the 12:36:23</p> <p>7 testifying, not you, Dan. 12:36:24</p> <p>8 MR. NOVIKOFF: Okay. 12:36:25</p> <p>9 MR. GOODSTADT: Okay? 12:36:29</p> <p>10 MR. NOVIKOFF: You don't have to get 12:36:29</p> <p>11 testy, Andrew. 12:36:29</p> <p>12 MR. GOODSTADT: I'm not getting 12:36:29</p> <p>13 testy. 12:36:29</p> <p>14 MR. NOVIKOFF: Just because he's not 12:36:30</p> <p>15 testifying exactly the way -- 12:36:32</p> <p>16 MR. GOODSTADT: He's testifying 12:36:32</p> <p>17 exactly the way I want him to testify. 12:36:33</p> <p>18 MR. NOVIKOFF: Oh, no, he's not. 12:36:34</p> <p>19 MR. GOODSTADT: Oh, believe me, he 12:36:35</p> <p>20 is. 12:36:35</p> <p>21 MR. NOVIKOFF: This is blowing up big 12:36:35</p> <p>22 time. 12:36:37</p> <p>23 MR. GOODSTADT: Yeah, go ahead. Tell 12:36:37</p> <p>24 the judge that in your summary judgment 12:36:38</p> <p>25 papers. 12:36:40</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 157</p> <p>1 G. Bosetti</p> <p>2 MR. NOVIKOFF: I certainly will. 12:36:41</p> <p>3 MR. GOODSTADT: Okay. Good. 12:36:42</p> <p>4 BY MR. GOODSTADT: 12:36:42</p> <p>5 Q. Sir, was it your understanding you 12:36:44</p> <p>6 had to be invited back each week when you worked 12:36:46</p> <p>7 one day a week? 12:36:49</p> <p>8 A. Each week? No. 12:36:50</p> <p>9 Q. Well, you used the term "invited 12:36:51</p> <p>10 back," right? 12:36:53</p> <p>11 MR. NOVIKOFF: Objection. 12:36:53</p> <p>12 Q. As a part-time police officer, what 12:36:54</p> <p>13 did you mean you had to be invited back? 12:36:55</p> <p>14 MR. NOVIKOFF: Objection. 12:36:57</p> <p>15 A. The way I understood it is beginning 12:37:00</p> <p>16 of the new -- in the spring, if they liked you, 12:37:02</p> <p>17 you get invited back. You did a good job, you 12:37:09</p> <p>18 get invited back. 12:37:10</p> <p>19 Q. Did you ever receive an invitation in 12:37:10</p> <p>20 the mail to come back? 12:37:12</p> <p>21 MR. NOVIKOFF: Objection. Asked and 12:37:13</p> <p>22 answered. 12:37:13</p> <p>23 A. No. 12:37:16</p> <p>24 Q. So what do you mean by in the spring 12:37:16</p> <p>25 they would invite you back? 12:37:18</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 12:37:20
3 MR. GOODSTADT: What's the basis of 12:37:24
4 your objection? 12:37:25
5 MR. NOVIKOFF: You've asked it now 12:37:25
6 four times and he's already answered to 12:37:26
7 you. I think it's become abusive. 12:37:29
8 MR. GOODSTADT: Well, he hasn't 12:37:31
9 answered. 12:37:32
10 MR. NOVIKOFF: Oh, he has. You just 12:37:32
11 don't like his answers. 12:37:33
12 MR. GOODSTADT: Well, they've been 12:37:33
13 all nonresponsive. 12:37:34
14 MR. NOVIKOFF: Oh, they've been 12:37:35
15 completely responsive. 12:37:36
16 MR. GOODSTADT: Again, tell it to the 12:37:37
17 judge. 12:37:38
18 THE WITNESS: What do you think? 12:37:39
19 A. Again, in the spring I said I used 12:37:46
20 the phrase "you get invited back." If they like 12:37:50
21 you, you do a good job, you work that year. 12:37:53
22 Q. When you say "you work that year," 12:37:56
23 you're talking about during the season or you're 12:37:59
24 talking about as a part-time police officer? 12:38:01
25 MR. NOVIKOFF: Object. 12:38:04
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1 G. Bosetti
2 A. Again, for the sea -- for me, part 12:38:09
3 time and seasonal I always looked at as being 12:38:09
4 the same. 12:38:12
5 Q. So your -- 12:38:12
6 A. And maybe there is a difference, but 12:38:13
7 that's the way I always perceived it to be. 12:38:15
8 Q. So your understanding is that when 12:38:17
9 you worked one day a week after the season 12:38:19
10 ended, that that was part of your seasonal 12:38:21
11 employment? 12:38:23
12 MR. NOVIKOFF: Objection. 12:38:24
13 A. If I wasn't a full-time employee 12:38:26
14 there, then I was seasonal, I was part time, 12:38:28
15 whatever you want to call it. 12:38:32
16 Q. So just to go back to my question, 12:38:33
17 your understanding was that when you worked one 12:38:36
18 day a week off the season, that was still part 12:38:37
19 of your seasonal employment? 12:38:39
20 MR. NOVIKOFF: Objection. 12:38:41
21 A. I'm not there full time so I'm not -- 12:38:42
22 I don't know how -- I don't understand it. 12:38:46
23 If I'm not there full time, then it's 12:38:48
24 part time and off season like said. I might not 12:38:49
25 be right, but I group seasonal and part time as 12:38:55
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1 G. Bosetti
2 the same thing, and I could be wrong and I 12:38:57
3 apologize. 12:38:59
4 Q. All I'm asking for is your 12:39:01
5 understanding. That's why I prefaced it. 12:39:02
6 So is it your understanding that when 12:39:03
7 you worked one day a week during the period 12:39:05
8 after Labor Day, that that was part of seasonal 12:39:08
9 employment? 12:39:13
10 MR. NOVIKOFF: Objection. 12:39:13
11 Q. Yes or no. 12:39:16
12 A. I don't -- 12:39:18
13 MR. NOVIKOFF: That's a form 12:39:19
14 objection. 12:39:20
15 A. I tried to answer that. It's part 12:39:21
16 -time. Part of part time seasonal employment. 12:39:24
17 Q. Did you fill out your paperwork every 12:39:29
18 year that you were invited back? 12:39:31
19 A. No, sir, I did not. 12:39:32
20 Q. How were you informed that you were 12:39:35
21 being invited back? 12:39:37
22 A. I wasn't. 12:39:38
23 Q. If you go to G. Bosetti 3, page 8224, 12:39:49
24 do you see that? 12:40:01
25 A. 8224? 12:40:03
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1 G. Bosetti
2 Q. Right. 12:40:05
3 A. Okay. 12:40:05
4 Q. You see "Applicant Name"? Is that 12:40:09
5 your name right there, correct? 12:40:11
6 A. That's correct. 12:40:12
7 Q. Did you handwrite that in there? 12:40:13
8 A. I believe I did, yes. 12:40:15
9 Q. And that's your Social Security 12:40:16
10 number? 12:40:17
11 A. Yes. 12:40:17
12 MR. NOVIKOFF: Just note that for 12:40:18
13 some reason his Social Security number was 12:40:20
14 not redacted as it had been in the prior 12:40:22
15 pages, so we'll just keep that 12:40:25
16 confidential. 12:40:27
17 BY MR. GOODSTADT: 12:40:28
18 Q. Do you know what the first sentence, 12:40:28
19 the consent decree referred to in there refers 12:40:30
20 to? 12:40:37
21 A. I think I do, yes. 12:40:37
22 Q. And what is that referring to? 12:40:39
23 A. That you're agreeing to disclose the 12:40:41
24 information in here. 12:40:44
25 Q. But do you know what the consent 12:40:45
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1 G. Bosetti
2 decree that's referenced there, what that decree 12:40:47
3 actually refers to? 12:40:51
4 A. No. Maybe you can explain it to me. 12:40:52
5 Q. Well, I'm just asking whether you 12:40:54
6 know it. 12:40:54
7 If you don't, that's fine. 12:40:56
8 A. Well, consent, yes, I know what it 12:41:00
9 means. Okay. 12:41:02
10 Q. So what is your understanding of the 12:41:04
11 phrase "consent decree" as it's referenced in 12:41:05
12 page 8224? 12:41:08
13 A. That I'm giving my permission for 12:41:09
14 this information to be looked at. 12:41:12
15 Q. If you look at 8228. 12:41:22
16 MR. NOVIKOFF: The one with the line 12:41:27
17 through it? 12:41:28
18 MR. GOODSTADT: Yes. 12:41:29
19 MR. NOVIKOFF: Okay. 12:41:29
20 A. Okay. 12:41:29
21 Q. You see 8228? You there? 12:41:31
22 A. Yes. 12:41:33
23 Q. And this is a letter from George 12:41:33
24 Hesse to Officer Hannah. 12:41:39
25 Do you see that? 12:41:41
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1 G. Bosetti
2 A. Yes. 12:41:42
3 Q. When you received this packet, was 12:41:42
4 that before or after you completed your physical 12:41:47
5 fitness test? 12:41:50
6 MR. NOVIKOFF: Actually, before I 12:41:54
7 make an objection, can you read the 12:41:55
8 question back? 12:41:56
9 (Question was read back as follows: 12:41:56
10 "QUESTION: Hen you received this 12:41:43
11 packet, was that before or after you 12:41:45
12 completed your physical fitness test?") 12:41:48
13 MR. NOVIKOFF: Objection. I think 12:42:02
14 it's been asked and answered. 12:42:03
15 A. Like I say, I think I mentioned it 12:42:07
16 before. I believe it was before I took it. 12:42:09
17 Q. So when you received this packet, was 12:42:12
18 this page crossed out? 12:42:16
19 MR. NOVIKOFF: Objection. 12:42:18
20 A. I don't recall. 12:42:22
21 Q. You don't recall one way or the 12:42:24
22 other? 12:42:26
23 A. I don't recall. I didn't fill it out 12:42:26
24 so I don't recall. 12:42:34
25 Q. And you didn't keep a copy of the 12:42:34
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1 G. Bosetti
2 packet when you got it? 12:42:34
3 A. No, sir. 12:42:34
4 Q. And do you know -- do you recognize 12:42:36
5 the handwriting -- 12:42:39
6 A. No. 12:42:40
7 Q. -- about three-quarters of the way 12:42:40
8 down the page where it says -- 12:42:42
9 A. 228? 12:42:44
10 Q. Yes. 8228 for the record. 12:42:45
11 A. Oh. "Completed, Sergeant Hesse"? 12:42:50
12 Q. Yeah. 12:42:53
13 Do you recognize whose handwriting 12:42:53
14 that is? 12:42:55
15 MR. NOVIKOFF: Objection. 12:42:55
16 A. I don't recognize the handwriting 12:42:55
17 writing. It's signed Sergeant Hesse. 12:42:57
18 Q. You don't recognize that to be 12:42:58
19 Sergeant Hesse's handwriting? 12:43:00
20 MR. NOVIKOFF: Objection. He's not 12:43:01
21 an expert. 12:43:03
22 You can answer. 12:43:03
23 A. No. 12:43:04
24 Q. Do you know what that means, 12:43:04
25 "Completed, Sergeant Hesse 103"? 12:43:06
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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 12:43:10
3 Never mind. 12:43:11
4 A. Yes. 12:43:12
5 Q. And what does it mean? 12:43:13
6 A. Completed? 12:43:14
7 Q. Yes. 12:43:15
8 No, no. In reference to it being on 12:43:17
9 this document. 12:43:19
10 MR. NOVIKOFF: Objection. 12:43:20
11 A. I've done everything that was 12:43:23
12 supposed to have been done. 12:43:24
13 Q. With respect to the physical fitness 12:43:25
14 test or everything that needed to be done in 12:43:27
15 connection with your employment at Ocean Beach? 12:43:30
16 A. Well, just looking it over here, it 12:43:32
17 says the physical fitness screening test so -- 12:43:34
18 Q. Did Hesse administer the physical 12:43:37
19 fitness screening test? 12:43:39
20 A. No. 12:43:39
21 Q. If you look at the next page -- 12:43:43
22 A. Yes, sir. 12:43:46
23 Q. -- "Medical Release Form," do you see 12:43:46
24 that? 12:43:48
25 A. Yes, sir. 12:43:48
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<p>Contains Confidential Portions</p> <p>Page 166</p> <p>1 G. Bosetti</p> <p>2 Q. Who's Bert Gelberg? 12:43:48</p> <p>3 A. I know it's a doctor that I was 12:43:54</p> <p>4 seeing. 12:43:57</p> <p>5 Q. Is that the doctor that you saw in 12:43:58</p> <p>6 connection with passing your medical examination 12:44:00</p> <p>7 for Suffolk County or was it your personal 12:44:02</p> <p>8 doctor? 12:44:04</p> <p>9 MR. NOVIKOFF: Objection. 12:44:04</p> <p>10 A. He was a personal doctor. 12:44:05</p> <p>11 Q. Is that the doctor who administered 12:44:06</p> <p>12 the medical test for Ocean Beach? 12:44:07</p> <p>13 A. No, I don't think. That's my 12:44:10</p> <p>14 personal doctor. I don't know. I don't 12:44:14</p> <p>15 remember how that worked, no. 12:44:15</p> <p>16 Q. Again, do you know what the 12:44:16</p> <p>17 handwriting on the right side there that says, 12:44:19</p> <p>18 "Completed, Sergeant Hesse 103," what that 12:44:22</p> <p>19 means? 12:44:24</p> <p>20 A. Yes. 12:44:24</p> <p>21 Q. What does that mean? 12:44:25</p> <p>22 A. That I've done the medical. 12:44:26</p> <p>23 Q. You don't recall when you did the 12:44:29</p> <p>24 medical? 12:44:31</p> <p>25 A. No, sir. 12:44:31</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 167</p> <p>1 G. Bosetti</p> <p>2 Q. If you look at page 8236, which is 12:44:33</p> <p>3 also part of G. Bosetti 3, do you see that? 12:45:06</p> <p>4 A. Yes, sir. 12:45:18</p> <p>5 Q. You're on 8236? 12:45:19</p> <p>6 A. Yes. 12:45:21</p> <p>7 Q. Let me ask you a question. 12:45:22</p> <p>8 Do you see on 8236 there's like a 12:45:23</p> <p>9 little star above the number there? Do you see 12:45:26</p> <p>10 it? 12:45:28</p> <p>11 A. Yes. 12:45:28</p> <p>12 Q. Do you know whether you put that star 12:45:28</p> <p>13 on that page? 12:45:30</p> <p>14 A. I have no idea. 12:45:30</p> <p>15 Q. Now if you look here it says, "Do you 12:45:31</p> <p>16 drink alcoholic beverages." 12:45:35</p> <p>17 Do you see that? 12:45:37</p> <p>18 A. Yes. 12:45:37</p> <p>19 Q. And you checked yes and you wrote 12:45:37</p> <p>20 what kind, "Beer." 12:45:40</p> <p>21 Do you see that ? 12:45:40</p> <p>22 A. Yes. 12:45:40</p> <p>23 Q. Do you drink any other alcoholic 12:45:41</p> <p>24 beverages other than beer? 12:45:43</p> <p>25 A. Mostly beer. 12:45:44</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 168</p> <p>1 G. Bosetti</p> <p>2 Q. Do you ever drink any rocket fuels? 12:45:47</p> <p>3 A. I've had them, yes. 12:45:50</p> <p>4 Q. What is a rocket fuel? 12:45:51</p> <p>5 A. A drink they make out in Ocean Beach. 12:45:52</p> <p>6 Q. Do you know what's in them? 12:45:58</p> <p>7 A. I don't know if it's tequila. I'm 12:45:59</p> <p>8 not sure what's in it. 12:46:10</p> <p>9 Q. When you say "they" make out in Ocean 12:46:11</p> <p>10 Beach, who are you referring to as "they"? 12:46:13</p> <p>11 A. Some of the bars out there. 12:46:14</p> <p>12 Q. Which bars? 12:46:16</p> <p>13 A. CJ's makes them. A couple of the 12:46:17</p> <p>14 others. 12:46:22</p> <p>15 Q. Which other bars make them? 12:46:23</p> <p>16 A. They probably all make them. You 12:46:24</p> <p>17 just gotta ask for them. 12:46:28</p> <p>18 Q. Have you ever drank a rocket fuel at 12:46:29</p> <p>19 Ocean Beach? 12:46:32</p> <p>20 A. Yes, sir. 12:46:33</p> <p>21 Q. And where did you get the rocket 12:46:34</p> <p>22 fuels from that you drank at Ocean Beach? 12:46:35</p> <p>23 A. Probably CJ's. 12:46:38</p> <p>24 Q. You ever drink a rocket fuel in the 12:46:40</p> <p>25 station, police station? 12:46:43</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 169</p> <p>1 G. Bosetti</p> <p>2 A. Possibly when I was off duty. 12:46:43</p> <p>3 Q. How many times? 12:46:51</p> <p>4 A. I don't know. Maybe once, twice, if 12:46:53</p> <p>5 that. 12:47:01</p> <p>6 Q. Just so I understand, you believe 12:47:02</p> <p>7 that you drank rocket fuels in the police 12:47:04</p> <p>8 station once or twice? 12:47:06</p> <p>9 A. Off duty. 12:47:07</p> <p>10 Q. Off duty? 12:47:08</p> <p>11 MR. NOVIKOFF: Objection. That's 12:47:10</p> <p>12 what he just testified to. 12:47:11</p> <p>13 A. Yes, sir. 12:47:11</p> <p>14 Q. Who else drank rocket fuels at the 12:47:12</p> <p>15 same time in the police station? 12:47:16</p> <p>16 A. Oh, I don't know. 12:47:17</p> <p>17 Q. Did your brother? 12:47:19</p> <p>18 A. I can only speak for myself. 12:47:20</p> <p>19 Q. Did you see anybody else drinking 12:47:22</p> <p>20 rocket fuels at the time? 12:47:24</p> <p>21 A. No, sir. 12:47:25</p> <p>22 Q. How did the rocket fuels get to the 12:47:25</p> <p>23 station? 12:47:28</p> <p>24 A. A couple of times there was a guy 12:47:28</p> <p>25 Dave Girdon, he used to work there, brought them 12:47:32</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 by. They'd go to waste. They'd just sit there. 12:47:35
3 And sometimes I go in and I get one, 12:47:39
4 and go like I say, I'm off duty. 12:47:43
5 Q. And you bring it back to the station? 12:47:46
6 A. Yeah. 12:47:48
7 Q. So I'm talking about the one or two 12:47:49
8 times that you drank them in the station, how 12:47:51
9 did they get there? 12:47:53
10 A. I don't know if I brought them there 12:47:58
11 or Dave Girdon brought them there. 12:48:02
12 Q. Did anyone from CJ's ever deliver 12:48:04
13 them to the station? 12:48:07
14 A. Possibly maybe somebody brought it 12:48:08
15 over. 12:48:14
16 Q. But you don't recall one way or the 12:48:16
17 other? 12:48:18
18 A. No. Somebody might have brought them 12:48:18
19 over. I said Dave Girdon used to bring them in. 12:48:20
20 Q. How many times did Dave Girdon bring 12:48:22
21 them in? 12:48:25
22 A. To be honest, around twice. 12:48:26
23 Q. Were those two of the times that you 12:48:32
24 drank the rocket fuels, when Girdon brought 12:48:34
25 them? 12:48:36

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1 G. Bosetti
2 A. No. 12:48:36
3 Q. Were either of the times that you 12:48:36
4 drank rocket fuels the time when Girdon brought 12:48:38
5 them? 12:48:41
6 A. Probably not. Probably not. 12:48:41
7 Q. Have you ever witnessed anybody else 12:48:44
8 drinking rocket fuels in the police station? 12:48:47
9 A. No, sir. 12:48:50
10 Q. You ever witness Girdon drink a 12:48:50
11 rocket fuel in the police station? 12:48:53
12 A. In the police station? 12:48:54
13 Q. Yes. 12:48:54
14 A. No. 12:48:57
15 Q. You ever witness your brother drink a 12:48:58
16 rocket fuel in the police station? 12:49:03
17 A. No. 12:49:04
18 Q. Did you ever witness your brother 12:49:04
19 drink a rocket fuel anywhere? 12:49:06
20 A. That I don't know. 12:49:09
21 Q. Did you ever drink a beer in the 12:49:10
22 police station? 12:49:15
23 A. I'm sorry? 12:49:16
24 Q. Did you ever drink a beer in the 12:49:16
25 police station? 12:49:17

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1 G. Bosetti
2 A. Yes. 12:49:18
3 Q. How many times? 12:49:19
4 A. Again, two or three times after my 12:49:20
5 tour. 12:49:26
6 Q. Where did you get the beers from that 12:49:26
7 you drank at those times? 12:49:28
8 A. Probably CJ's. 12:49:29
9 Q. So how did the beers get from CJ's to 12:49:35
10 the station the times that you drank them? 12:49:38
11 A. I would get them. 12:49:40
12 Q. So just so I understand, you would 12:49:42
13 get them, buy them at CJ's and bring them back 12:49:43
14 to the station? 12:49:46
15 A. Yes, sir. 12:49:47
16 Q. Do they ever give you any free beer 12:49:47
17 at CJ's? 12:49:49
18 A. No, sir. 12:49:50
19 Q. Did you ever drink any of the beer 12:49:51
20 that was confiscated from Ocean Beach residents 12:49:52
21 or visitors? 12:49:54
22 A. Yes. 12:49:55
23 Q. How many times did you do that? 12:49:57
24 A. Oh, I can't -- I don't recall how 12:49:58
25 many times. 12:50:03

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1 G. Bosetti
2 Q. Approximately how many times? 12:50:04
3 A. Sometimes I, you know, after, you 12:50:04
4 know, after work or if I'm eating or... I can't 12:50:08
5 give you a figure on that. I don't know. I 12:50:12
6 don't know. 12:50:13
7 Q. More than ten times? 12:50:13
8 A. Probably around that, if that much. 12:50:15
9 Maybe not. 12:50:23
10 Q. Did you ever drink any beer in the 12:50:24
11 police station that was confiscated beer? 12:50:27
12 A. I don't know. I'm not sure. Not 12:50:33
13 that I even recall. 12:50:38
14 Q. Are there any rules with respect to 12:50:39
15 the beer that was confiscated as to what would 12:50:41
16 happen with them? 12:50:44
17 MR. NOVIKOFF: Objection. 12:50:48
18 A. No, not that I know. 12:50:48
19 Q. Where are the beers kept after 12:50:50
20 they're confiscated? 12:50:53
21 MR. NOVIKOFF: Objection. 12:50:54
22 Foundation. 12:50:55
23 A. In the back room. 12:50:57
24 Q. What do you mean by "the back room"? 12:50:59
25 A. Back room of the police station. 12:51:00

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1 G. Bosetti
2 Q. In some kind of evidence locker? 12:51:02
3 A. No. 12:51:04
4 Q. Where in the back room? 12:51:05
5 A. On the floor. 12:51:06
6 Q. In a refrigerator? 12:51:09
7 A. No. 12:51:11
8 Q. Did you ever ask whether you were 12:51:12
9 entitled to drink the beer that was confiscated? 12:51:18
10 MR. NOVIKOFF: Objection. 12:51:21
11 A. Ask? 12:51:26
12 Q. Yes. 12:51:26
13 A. No, I don't think I ever asked. 12:51:27
14 Q. George Hesse ever drink the beer that 12:51:28
15 was confiscated? 12:51:31
16 A. No. 12:51:32
17 MR. NOVIKOFF: In his presence. 12:51:33
18 Q. Did you ever witness him. 12:51:34
19 A. No, no. George wasn't a drinker. 12:51:35
20 Q. Who else have you witnessed drink 12:51:36
21 beer that was confiscated other than for 12:51:40
22 yourself? 12:51:45
23 A. Beer that was con -- what, on duty, 12:51:52
24 off duty or... 12:51:54
25 Q. At all. 12:51:55
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1 G. Bosetti
2 A. At all. Maybe. I don't know if it 12:51:56
3 was Frank, Tommy. I know Kevin didn't drink. 12:51:57
4 I'm sure my brother had one. 12:52:09
5 Q. Did you ever witness your brother 12:52:12
6 drink the confiscated beer? 12:52:15
7 A. No, because I don't know if it's 12:52:16
8 confiscated or not. 12:52:20
9 Q. Did you ever witness Frank Fiorilo 12:52:21
10 drink a confiscated beer? 12:52:22
11 A. Again, yeah, I should clear that up. 12:52:24
12 I don't know if they were confiscated so I 12:52:26
13 should clear that up. 12:52:28
14 Q. Did you ever witness Frank Fiorilo 12:52:29
15 drink a beer in Ocean Beach? 12:52:31
16 A. I'm sure I have. 12:52:33
17 Q. When? 12:52:35
18 A. I can't, I can't be specific. 12:52:36
19 Q. So you say you're sure you have. Is 12:52:39
20 it you're speculating that I'm sure I must have 12:52:41
21 or you actually recall seeing him? 12:52:43
22 A. No, no, no. I remember there were 12:52:45
23 times. 12:52:47
24 Q. Where were those times? Where were 12:52:48
25 you located? 12:52:50
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1 G. Bosetti
2 A. I don't know if it was the barracks 12:52:50
3 or at a barbecue or something. I really -- I 12:53:00
4 don't recall. 12:53:06
5 Q. So you don't recall whether it was 12:53:06
6 the barracks or a barbecue or somewhere else? 12:53:08
7 A. No. 12:53:10
8 MR. NOVIKOFF: That's his testimony. 12:53:11
9 Objection. 12:53:11
10 Q. How many times did you personally 12:53:12
11 witness Frank Fiorilo drink a beer in Ocean 12:53:16
12 Beach? 12:53:18
13 MR. NOVIKOFF: Objection. Asked and 12:53:18
14 answered. 12:53:19
15 A. I don't know. A couple of times 12:53:20
16 maybe. 12:53:20
17 Q. What year did you witness Frank 12:53:22
18 Fiorilo drink a beer at the barracks? 12:53:26
19 A. I don't recall. 12:53:27
20 Q. You don't recall any year? 12:53:28
21 A. No. 12:53:29
22 Q. What year did you witness him drink a 12:53:30
23 beer at a barbecue? 12:53:32
24 A. I don't recall the year. 12:53:33
25 Q. What barbecue in what house was that? 12:53:34
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1 G. Bosetti
2 A. I don't recall. 12:53:36
3 Q. Was it a house on Ocean Beach? 12:53:39
4 A. Oh, yes, yes. 12:53:41
5 Q. And you don't recall whose house it 12:53:42
6 was? 12:53:44
7 A. No, sir. 12:53:44
8 Q. You recall what year it was? 12:53:45
9 A. No, sir. 12:53:46
10 Q. Was it on season or on season? 12:53:46
11 A. Season. 12:53:48
12 Q. What other cops were at the barbecue? 12:53:49
13 A. I don't recall. 12:53:52
14 Q. Do you recall anybody else who was at 12:53:55
15 the barbecue other than for you and 12:53:57
16 Mr. Fiorillo? 12:53:59
17 A. No. 12:54:01
18 Q. Who else was in the barracks when you 12:54:02
19 witnessed Frank Fiorillo drink a beer at the 12:54:04
20 barracks? 12:54:06
21 A. Again, I don't know. 12:54:06
22 Q. Do you know anybody else who was 12:54:08
23 there other than for you and Mr. Fiorillo? 12:54:09
24 A. No, sir. 12:54:12
25 Q. You witness Frank Fiorilo drink a 12:54:13
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1 G. Bosetti
2 beer at any other place other than for the 12:54:17
3 barracks and the barbecue? 12:54:19
4 A. You mean off the island when we go 12:54:22
5 out? 12:54:24
6 Q. No, in Ocean Beach. 12:54:25
7 A. No. 12:54:26
8 Q. Where did you see Kevin -- strike 12:54:26
9 that. 12:54:26
10 Where did you see Tom Snyder drink a 12:54:30
11 beer? 12:54:33
12 A. Checkpoint. 12:54:34
13 Q. How many times? 12:54:35
14 A. A couple of times. 12:54:36
15 Q. What years? 12:54:39
16 A. I don't recall. 12:54:40
17 Q. Do you recall any year that you saw 12:54:41
18 him drink a beer? 12:54:45
19 A. No. 12:54:46
20 Q. Who else was there when you witnessed 12:54:46
21 him drink a beer at the checkpoint? 12:54:49
22 A. I don't recall. 12:54:49
23 Q. You don't recall anybody else who was 12:54:50
24 there? 12:54:52
25 A. I don't recall, no, sir. 12:54:52
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1 G. Bosetti
2 Q. How many times was it? 12:54:53
3 A. A couple of times. 12:54:58
4 Q. Where was Tommy Snyder located when 12:55:00
5 he was drinking a beer at the checkpoint? 12:55:04
6 A. Where was he located? 12:55:05
7 Q. Yeah. Was he standing up somewhere, 12:55:06
8 sitting down somewhere? Was he in a car, out of 12:55:08
9 a car? 12:55:10
10 A. Sometimes we'd get together, stand 12:55:11
11 around. 12:55:13
12 Q. Stand around where? 12:55:14
13 A. In the parking lot. 12:55:16
14 Q. Parking lot have surveillance 12:55:17
15 cameras? 12:55:23
16 A. Towards the end I think they put them 12:55:24
17 up, but not in the beginning. 12:55:25
18 Q. Was Tommy Snyder drinking a beer 12:55:28
19 towards the end or at the beginning? 12:55:31
20 A. The beginning. 12:55:33
21 Q. Who else was there when Tom Snyder 12:55:36
22 was drinking a beer at the checkpoint? 12:55:38
23 A. Again, whoever was working or coming 12:55:39
24 into work, we were leaving work. 12:55:42
25 Q. Was he on duty at the time? 12:55:44
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1 G. Bosetti
2 A. No. He was going into work. 12:55:47
3 Q. Is it your testimony he drank a beer 12:55:49
4 prior to his tour? 12:55:51
5 A. Yes, sir. 12:55:52
6 Q. How many times did that happen? 12:55:52
7 A. A couple of times. 12:55:54
8 Q. And again, you don't know anybody 12:55:55
9 else who was there other than for you and 12:55:57
10 Mr. Snyder? 12:56:02
11 A. Whoever was working that day. I 12:56:03
12 don't have specifics. I'm sorry. 12:56:06
13 Q. Did you ever have a drink prior to 12:56:06
14 starting your tour? 12:56:11
15 MR. NOVIKOFF: Objection. Only when 12:56:13
16 you say "prior." You want to break it down 12:56:14
17 within a period of hours, because prior 12:56:17
18 could be two weeks before. 12:56:20
19 Q. On the same day. 12:56:23
20 MR. NOVIKOFF: Okay. Perfect. 12:56:25
21 A. The same day. 12:56:26
22 Q. Yes. Prior to a tour. 12:56:27
23 A. Well, I'm sure the same day somewhere 12:56:30
24 I had a beer or a Bloody Mary, yes. 12:56:32
25 Q. In Ocean Beach? 12:56:36
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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 12:56:39
3 Just so I understand you, the 12:56:41
4 question is does he recall ever having an 12:56:43
5 alcoholic beverage prior to a shift and had 12:56:46
6 that beverage while in Ocean Beach. 12:56:49
7 MR. GOODSTADT: Yes. 12:56:51
8 MR. NOVIKOFF: Got it. Okay. 12:56:52
9 A. Okay. I member having a Bloody Mary 12:56:53
10 prior to my shift. 12:56:56
11 Q. When was that? 12:56:57
12 A. I don't recall. 12:56:58
13 Q. Where was it? 12:56:59
14 A. It might have been the Mermaid. 12:57:01
15 Q. Where? 12:57:04
16 A. The Mermaid. 12:57:04
17 Q. How far prior or how far before your 12:57:08
18 shift did you have that? 12:57:11
19 A. Oh, about four hours, five hours. 12:57:12
20 Q. You worked the 4 to 12 that day? 12:57:16
21 A. Yes. 12:57:19
22 Q. So it was like 11:00 in the morning 12:57:19
23 you had the Bloody Mary? 12:57:22
24 A. Yes. 12:57:23
25 MR. NOVIKOFF: It's always noon 12:57:24
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1 G. Bosetti
2 somewhere in the world. 12:57:25
3 Q. Other than for that one instance 12:57:27
4 where you had the Bloody Mary four hours before 12:57:29
5 your tour, do you ever recall having a drink 12:57:32
6 prior to your tour on the same day? 12:57:34
7 A. Not that I recall. 12:57:37
8 Q. Do you know whether your brother ever 12:57:39
9 had a drink prior to his tour on the same day? 12:57:43
10 A. Not that I recall. 12:57:46
11 Q. Did you eat lunch with your brother 12:57:48
12 frequently before starting your tour? 12:57:52
13 A. Sometimes. 12:57:53
14 Q. How many tours a week did you work? 12:57:54
15 MR. NOVIKOFF: During the season? 12:57:57
16 MR. GOODSTADT: During the season. 12:57:59
17 A. It varied. Three -- on the average, 12:58:00
18 three days. 12:58:04
19 Q. And did your brother generally work 12:58:05
20 with you on all those tours? 12:58:07
21 A. Basically, yes. 12:58:09
22 Q. And out of the three days a week, 12:58:10
23 let's say, you had your tours, how many of those 12:58:13
24 days would you eat lunch with your brother? 12:58:16
25 A. I'm sorry? 12:58:17
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1 G. Bosetti
2 Q. Out of those three days that you had 12:58:17
3 the same tour with your brother -- 12:58:19
4 A. Yes. 12:58:20
5 Q. -- how many of those days would you 12:58:21
6 eat lunch with your brother on that day? 12:58:23
7 A. It varied. It varied. 12:58:27
8 Q. Between what and what? 12:58:30
9 A. Sometimes we'd eat together, 12:58:31
10 sometimes we didn't. 12:58:35
11 Q. You never witnessed your brother 12:58:36
12 drinking during those lunches? 12:58:39
13 MR. NOVIKOFF: Drinking alcohol. 12:58:41
14 MR. GOODSTADT: Drinking alcohol. 12:58:42
15 Q. Including beer. 12:58:44
16 A. Sometimes you have a beer with our 12:58:46
17 burger or some sandwich. 12:58:49
18 Q. You too or just him? 12:58:49
19 A. No, no, me too. 12:58:51
20 Q. So in addition to the Bloody Mary -- 12:58:52
21 A. No, no, no, no -- 12:58:56
22 Q. -- you guys would get a beer. 12:58:56
23 A. -- no, no, no. That's not the same 12:58:58
24 day. 12:58:58
25 Q. But different days. I'm talking 12:58:58
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1 G. Bosetti
2 about in addition to that one instance. 12:59:00
3 A. I had a Bloody Mary one day doesn't 12:59:01
4 mean I'm drinking them ever day. 12:59:03
5 Q. I understand. 12:59:05
6 You testified that one day you recall 12:59:06
7 drinking a Bloody Mary and that's all you recall 12:59:07
8 at the time drinking on the same day before your 12:59:10
9 tour. 12:59:12
10 A. Right. 12:59:13
11 Q. Now you testified to sometimes in our 12:59:13
12 lunches we'd have a beer with our burger; is 12:59:15
13 that correct? 12:59:18
14 A. That's correct. 12:59:18
15 Q. So it was more than just the one time 12:59:19
16 with the Bloody Mary, right? 12:59:21
17 A. Well, you asked me before our tour. 12:59:23
18 Q. Yeah, I'm talking about your lunches 12:59:26
19 before your tour. 12:59:27
20 A. Oh, you said -- no, no. No, that I 12:59:28
21 don't -- no. 12:59:30
22 Q. I don't care if you had lunch with 12:59:32
23 your brother at some point off of Ocean Beach on 12:59:34
24 a different day when you weren't working. I'm 12:59:35
25 talking about days in which you were working. 12:59:37
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1 G. Bosetti
2 A. Before our tour? No. 12:59:39
3 Q. Before your tour. 12:59:40
4 A. No, sir. 12:59:40
5 Q. What's in a Bloody Mary? 12:59:41
6 MR. NOVIKOFF: Let the record reflect 12:59:47
7 I think it's vodka, tomato juice -- 12:59:48
8 MR. GOODSTADT: I want to know if he 12:59:51
9 understands what he was drinking before he 12:59:52
10 went on tour. 12:59:53
11 A. Tomato juice, vodka, salt, pepper, 12:59:57
12 some Tabasco. What's that other stuff? It's 13:00:06
13 very good. 13:00:12
14 MR. NOVIKOFF: A little clam juice? 13:00:13
15 A. Sometimes a little clam juice. 13:00:14
16 MR. NOVIKOFF: A little celery stick. 13:00:16
17 A. Celery stick. 13:00:16
18 MR. NOVIKOFF: I like that. 13:00:19
19 A. There's the, I forget what it is. 13:00:20
20 You can't have it without that. It's very good. 13:00:23
21 Q. And you carried a firearm on the day 13:00:26
22 that you drank the Bloody Mary during your tour? 13:00:29
23 A. Yes, I did. 13:00:31
24 Q. Were you carrying a firearm at the 13:00:32
25 time you were drinking the Bloody Mary? 13:00:34
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1 G. Bosetti
2 MR. CONNOLLY: Objection. 13:00:36
3 Read back the question. 13:00:37
4 I think he said during the tour. I 13:00:38
5 don't think that's been the testimony. 13:00:39
6 MR. NOVIKOFF: Yeah, objection. 13:00:41
7 I was fantasizing about the Bloody 13:00:42
8 Mary. 13:00:42
9 BY MR. GOODSTADT: 13:00:44
10 Q. Yeah. The question I was asking was 13:00:44
11 on the tour that you had the day that you drank 13:00:46
12 the Bloody Mary, did you carry a firearm during 13:00:48
13 the tour? 13:00:51
14 A. Yes, I did. 13:00:51
15 MR. GOODSTADT: Was there something 13:00:53
16 that I said? 13:00:55
17 MR. CONNOLLY: Yeah. I thought you 13:00:56
18 had said when you drank a Bloody Mary 13:00:57
19 during the tour. 13:00:59
20 MR. GOODSTADT: Oh, okay. I wasn't 13:01:00
21 inferring that. 13:01:02
22 BY MR. GOODSTADT: 13:01:03
23 Q. How about while you were drinking the 13:01:03
24 Bloody Mary at the Mermaid; were you carrying a 13:01:04
25 firearm? 13:01:07
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1 G. Bosetti
2 A. No. 13:01:07
3 Q. Did you ever carry your firearm off 13:01:08
4 duty when you were drinking? 13:01:11
5 A. Ocean Beach? 13:01:14
6 Q. Yes. 13:01:14
7 A. No. 13:01:16
8 Q. How come? 13:01:16
9 A. There's no need for it. 13:01:19
10 Q. Do you ever carry your firearm off 13:01:24
11 duty? 13:01:26
12 A. Ocean Beach? 13:01:26
13 Q. Yes. 13:01:26
14 A. No. Most of the time not, no. 13:01:28
15 Q. Sometimes you did? 13:01:31
16 A. If I'm off duty and I'm walking 13:01:33
17 around talking to people and I'm going to go 13:01:36
18 home, I ain't got it on me, but if I'm just 13:01:38
19 going out, I don't have the gun on me. 13:01:40
20 Q. How about outside Ocean Beach? Did 13:01:42
21 you carry a firearm while you were off duty? 13:01:44
22 A. Not anymore. Years ago I did when I 13:01:47
23 was a young cop working for the city. 13:01:50
24 Q. I'm talking about when you were 13:01:52
25 employed by Ocean Beach. 13:01:54
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1 G. Bosetti
2 A. Not really, no. 13:01:56
3 Q. Sometimes you did though? 13:01:57
4 A. Sometimes I carried it, yes. 13:01:59
5 Q. At any of those times were you 13:02:03
6 drinking when you were employed at Ocean Beach 13:02:05
7 but off duty? 13:02:07
8 MR. NOVIKOFF: And off Ocean Beach. 13:02:08
9 Q. And off Ocean Beach. 13:02:10
10 A. And off Ocean Beach. Yeah, I might 13:02:10
11 have a beer, sure. 13:02:13
12 Q. How about when you were on Ocean 13:02:14
13 Beach and off duty and drinking; you ever carry 13:02:17
14 a firearm? 13:02:19
15 MR. NOVIKOFF: Objection. 13:02:20
16 I think you asked him that. 13:02:21
17 A. I'm sorry. Say that again? 13:02:21
18 Q. When you were -- at the time period 13:02:24
19 when you worked at Ocean Beach -- 13:02:26
20 A. Yes. 13:02:26
21 Q. -- but you were off duty but drinking 13:02:28
22 on the beach or on the island, did you carry 13:02:32
23 your firearm? 13:02:35
24 A. No. 13:02:36
25 MR. GOODSTADT: I think now would be 13:02:52
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1 G. Bosetti
2 a good time to take a lunch break. It's 13:02:54
3 1:05. 13:02:56
4 THE VIDEOGRAPHER: Going off the 13:02:58
5 record. The time is 1:03 p.m. 13:02:58
6 (Lunch recess taken from 1:03 p.m. 13:02:58
7 until 2:00 p.m.) 13:02:58
8
9
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<p>Contains Confidential Portions</p> <p>Page 190</p> <p>1 G. Bosetti</p> <p>2 AFTERNOON SESSION 13:02:58</p> <p>3 (Time noted: 2:00 p.m.) 13:59:45</p> <p>4 THE VIDEOGRAPHER: We're back on the 13:59:45</p> <p>5 record. The time is 2 p.m. 14:00:12</p> <p>6 This is the beginning of the tape 14:00:14</p> <p>7 labeled No. 3. 14:00:15</p> <p>8 * * * 14:00:15</p> <p>9 GARY BOSETTI, resumed and 14:00:15</p> <p>10 testified as follows: 14:00:15</p> <p>11 THE WITNESS: If I may, I'd just like 14:00:18</p> <p>12 to clear something up. 14:00:20</p> <p>13 Now when you had asked me about Elyse 14:00:21</p> <p>14 and my brother -- 14:00:24</p> <p>15 MR. GOODSTADT: Yes? 14:00:24</p> <p>16 THE WITNESS: -- he did ask me if I 14:00:29</p> <p>17 ever slept with her, all right? So if 14:00:30</p> <p>18 that's what you mean by discussing it, then 14:00:33</p> <p>19 yes, I did mention it. I told -- he asked 14:00:36</p> <p>20 if I slept with her. 14:00:39</p> <p>21 EXAMINATION BY (Cont'd.) 14:00:39</p> <p>22 MR. GOODSTADT: 14:00:40</p> <p>23 Q. Okay. And is that something that you 14:00:40</p> <p>24 recalled on your own or did you speak to 14:00:44</p> <p>25 somebody to recall that fact during the -- 14:00:46</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 191</p> <p>1 G. Bosetti</p> <p>2 A. Nah, I was just thinking back, so I 14:00:48</p> <p>3 don't know if that's what you meant about 14:00:51</p> <p>4 discussing Elyse. 14:00:52</p> <p>5 Q. During the lunch break, did you speak 14:00:54</p> <p>6 with Mr. Novikoff at all? 14:00:57</p> <p>7 A. No. 14:00:59</p> <p>8 Q. Did you speak with Mr. Connolly at 14:00:59</p> <p>9 all? 14:01:01</p> <p>10 A. No, sir. 14:01:01</p> <p>11 Q. Now before the lunch break we were 14:01:02</p> <p>12 talking about the documents that you filled out 14:01:06</p> <p>13 in May of 2005 -- 14:01:08</p> <p>14 A. Yes, sir. 14:01:10</p> <p>15 Q. -- that have been marked as 14:01:11</p> <p>16 G. Bosetti 3 I believe? 14:01:14</p> <p>17 A. Yes, sir. 14:01:16</p> <p>18 Q. So the time you filled these 14:01:17</p> <p>19 documents out, either Chief Paradiso or George 14:01:20</p> <p>20 Hesse had told you that you needed to take the 14:01:25</p> <p>21 tests, right? 14:01:27</p> <p>22 MR. NOVIKOFF: Objection. 14:01:28</p> <p>23 A. Yes. 14:01:28</p> <p>24 Q. You knew about it at this time? 14:01:29</p> <p>25 A. I was told I had to take the tests. 14:01:30</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 192</p> <p>1 G. Bosetti</p> <p>2 Q. Did they give you a time frame in 14:01:32</p> <p>3 which you had to complete the tests? 14:01:34</p> <p>4 MR. NOVIKOFF: Objection. 14:01:35</p> <p>5 Q. No? 14:01:38</p> <p>6 A. No. Not that I recall, no. 14:01:38</p> <p>7 Q. Did you fill out any other 14:01:40</p> <p>8 documentation with respect to the tests other 14:01:43</p> <p>9 than for G-Bosetti 3? 14:01:50</p> <p>10 A. Not that I recall. I don't know. 14:01:52</p> <p>11 (Plaintiffs' Exhibit G. Bosetti 4, 14:02:16</p> <p>12 Questionnaire, marked for identification, 14:02:16</p> <p>13 as of this date.) 14:02:16</p> <p>14 MR. GOODSTADT: I've placed in front 14:02:22</p> <p>15 of Mr. Bosetti what's now marked as 14:02:22</p> <p>16 G. Bosetti 4 and it's a multiple page 14:02:25</p> <p>17 exhibit bearing Bates 8241 to 8250. 14:02:27</p> <p>18 BY MR. GOODSTADT: 14:02:31</p> <p>19 Q. Mr. Bosetti, have you ever seen the 14:02:31</p> <p>20 exhibit that's been marked G. Bosetti 4? 14:02:34</p> <p>21 A. Yes, sir. 14:02:37</p> <p>22 Q. And what is this document? 14:02:38</p> <p>23 MR. NOVIKOFF: Objection. 14:02:45</p> <p>24 A. What is it? 14:02:47</p> <p>25 Q. Yes. 14:02:47</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 193</p> <p>1 G. Bosetti</p> <p>2 A. A questionnaire. 14:02:50</p> <p>3 Q. And had you received -- strike that. 14:02:53</p> <p>4 Is this your handwriting on the first 14:02:56</p> <p>5 page of G. Bosetti 4 on the top two-thirds of 14:02:58</p> <p>6 the document? 14:03:02</p> <p>7 A. Yes. 14:03:03</p> <p>8 Q. And that's your signature under 14:03:03</p> <p>9 "Signature of Applicant"? 14:03:05</p> <p>10 A. Yes. 14:03:06</p> <p>11 Q. What is your understanding of the 14:03:06</p> <p>12 word "applicant"? 14:03:08</p> <p>13 MR. NOVIKOFF: Objection. 14:03:10</p> <p>14 Q. In connection with this document? 14:03:10</p> <p>15 A. That would be me. 14:03:12</p> <p>16 Q. What were you applying for? 14:03:13</p> <p>17 MR. NOVIKOFF: Objection. 14:03:15</p> <p>18 A. Well, I was already a police officer 14:03:18</p> <p>19 and I guess they -- like I say, I was applying 14:03:20</p> <p>20 for a police officer. Yes. 14:03:23</p> <p>21 Q. Applying for a police officer job at 14:03:26</p> <p>22 Ocean Beach? 14:03:29</p> <p>23 A. Yes. 14:03:29</p> <p>24 Q. Did you fill out one of these 14:03:30</p> <p>25 questionnaires in 2002 when you applied to be a 14:03:36</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 194</p> <p>1 G. Bosetti</p> <p>2 police officer in Ocean Beach? 14:03:39</p> <p>3 MR. NOVIKOFF: Objection. 14:03:41</p> <p>4 Foundation. 14:03:43</p> <p>5 A. No, I don't believe I did. 14:03:43</p> <p>6 Q. If you -- strike that. 14:03:45</p> <p>7 Have you ever drove under the 14:03:49</p> <p>8 influence of alcohol? 14:03:56</p> <p>9 MR. NOVIKOFF: Objection to the form 14:03:57</p> <p>10 of the question. 14:03:58</p> <p>11 A. Yes. Not -- never when I was working 14:04:01</p> <p>12 but, sometime in my life, yes, I have. 14:04:03</p> <p>13 Q. Approximately how many times? 14:04:05</p> <p>14 A. Once, maybe twice. 14:04:06</p> <p>15 Q. How many times do you think you've 14:04:14</p> <p>16 driven a car while impaired? 14:04:17</p> <p>17 MR. NOVIKOFF: Objection. 14:04:21</p> <p>18 Q. By alcohol. 14:04:20</p> <p>19 MR. NOVIKOFF: Objection. 14:04:21</p> <p>20 A. Same thing. That was my answer. 14:04:22</p> <p>21 Impaired or under the influence, the same thing. 14:04:25</p> <p>22 Q. Just once or twice? 14:04:27</p> <p>23 A. Yes. 14:04:28</p> <p>24 Q. And when were those one or two 14:04:29</p> <p>25 occurrences? 14:04:30</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 195</p> <p>1 G. Bosetti</p> <p>2 A. Oh, I don't recall. 14:04:31</p> <p>3 Q. Were they while you were employed at 14:04:33</p> <p>4 as Ocean Beach? 14:04:36</p> <p>5 A. No. No, sir. 14:04:37</p> <p>6 Q. Were they while you were employed as 14:04:39</p> <p>7 a New York City police officer? 14:04:40</p> <p>8 A. Yes. 14:04:42</p> <p>9 Q. If you look at page 8250, No. 22, it 14:04:42</p> <p>10 says, "Driven a vehicle approximately a dozen 14:04:58</p> <p>11 times impaired." 14:05:01</p> <p>12 Do you see that? 14:05:01</p> <p>13 A. Yes, I do. 14:05:05</p> <p>14 Q. Which is right, a dozen or one or two 14:05:06</p> <p>15 or something else? 14:05:10</p> <p>16 A. Well, it's -- 14:05:11</p> <p>17 (Document review.) 14:05:19</p> <p>18 A. -- probably a dozen times then. 14:05:20</p> <p>19 Q. Okay. So it's -- 14:05:20</p> <p>20 A. Yes, sir. 14:05:24</p> <p>21 Q. So it's about six times what you just 14:05:24</p> <p>22 testified that you recall driving impaired 14:05:30</p> <p>23 before seeing this document? 14:05:33</p> <p>24 MR. NOVIKOFF: Six times the two that 14:05:34</p> <p>25 he said? 14:05:35</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 196</p> <p>1 G. Bosetti</p> <p>2 MR. GOODSTADT: Exactly. 14:05:35</p> <p>3 MR. NOVIKOFF: So we're doing 14:05:36</p> <p>4 multiplication now. Okay. 14:05:37</p> <p>5 A. Yeah. Going way back, yes, you're 14:05:39</p> <p>6 right. 14:05:39</p> <p>7 Q. What do you mean by "going way back"? 14:05:42</p> <p>8 A. That's about right, I guess, a dozen 14:05:44</p> <p>9 times. 14:05:46</p> <p>10 Q. So were any of those dozen times 14:05:46</p> <p>11 while you were employed as a police officer in 14:05:48</p> <p>12 Ocean Beach? 14:05:50</p> <p>13 A. No, sir. 14:05:51</p> <p>14 Q. Were those dozen times in addition to 14:05:51</p> <p>15 the one or two times that you drove while 14:05:55</p> <p>16 impaired -- 14:05:57</p> <p>17 A. No, no. That wasn't -- 14:05:57</p> <p>18 Q. Let me finish the question. 14:05:58</p> <p>19 A. They were all together. 14:05:58</p> <p>20 Q. Let me finish the question. 14:05:58</p> <p>21 A. Okay. 14:05:58</p> <p>22 Q. Is -- 14:05:58</p> <p>23 A. Sorry. 14:06:00</p> <p>24 Q. Is the dozen times include -- well, 14:06:00</p> <p>25 strike that. 14:06:05</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 197</p> <p>1 G. Bosetti</p> <p>2 Now you know it's been about a dozen 14:06:06</p> <p>3 times that your recollection has been refreshed. 14:06:08</p> <p>4 How many times did you drive while 14:06:12</p> <p>5 intoxicated when you were employed by the New 14:06:14</p> <p>6 York City Police Department? 14:06:18</p> <p>7 MR. NOVIKOFF: Objection. The word 14:06:18</p> <p>8 was impaired so -- 14:06:19</p> <p>9 MR. GOODSTADT: Well, he uses them 14:06:20</p> <p>10 interchangeably. He testified -- 14:06:20</p> <p>11 MR. NOVIKOFF: Does he? 14:06:22</p> <p>12 MR. GOODSTADT: Yes, he testified to 14:06:22</p> <p>13 that. If you want to read the newspaper, 14:06:23</p> <p>14 maybe you'd know. 14:06:25</p> <p>15 MR. NOVIKOFF: I know what he's 14:06:25</p> <p>16 saying, thank you. 14:06:26</p> <p>17 If you ask a relevant question, maybe 14:06:28</p> <p>18 I won't have to read the newspaper. 14:06:30</p> <p>19 A. It would have to be a dozen times. 14:06:31</p> <p>20 Q. While you were employed as a New York 14:06:34</p> <p>21 City police officer? 14:06:36</p> <p>22 A. Yes, sir. 14:06:36</p> <p>23 Q. Were you ever pulled over during any 14:06:37</p> <p>24 of those dozen times? 14:06:41</p> <p>25 A. No, sir. 14:06:42</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 Q. Have you ever used a prostitute or 14:06:43
3 paid for the services of a prostitute? 14:06:45
4 MR. NOVIKOFF: Objection. 14:06:47
5 A. No, sir. 14:06:48
6 Q. No, sir? 14:06:48
7 If you look at page 8247. 14:06:49
8 Are you on 8247? 14:06:53
9 A. Ah, geez. Okay. 14:07:03
10 Q. See the bottom? 14:07:04
11 A. Yeah. 14:07:04
12 Q. 2005 apparently a different -- your 14:07:05
13 answer was different than it was today under 14:07:08
14 oath, correct? 14:07:10
15 A. Yes. 14:07:12
16 Q. Which one is correct; the one in 2005 14:07:13
17 that you signed and certified or the one 14:07:16
18 today -- 14:07:17
19 A. I really don't recall. I don't 14:07:18
20 recall. 14:07:22
21 Q. And other than for the document 14:07:27
22 that's been marked as G. Bosetti 3 and the one 14:07:30
23 that's marked as G. Bosetti 4, did you fill out 14:07:34
24 any other paperwork as part of this process when 14:07:35
25 you were getting the tests by Suffolk County? 14:07:38
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1 G. Bosetti
2 A. I don't recall -- 14:07:39
3 MR. FEHRINGER: Let him finish the 14:07:40
4 question. 14:07:41
5 THE WITNESS: Oh, I'm sorry. 14:07:42
6 Q. Who was in charge at Ocean Beach for 14:07:43
7 monitoring that you were passing these tests? 14:07:50
8 MR. NOVIKOFF: Objection. 14:07:53
9 Q. And "you" meaning you and/or the 14:07:54
10 other police officers who were told that they 14:07:56
11 needed to take them. 14:07:59
12 A. Who was in charge? 14:07:59
13 Q. Yes. 14:07:59
14 MR. NOVIKOFF: Objection to the form. 14:07:59
15 A. I don't know. 14:08:00
16 Q. Did you ever speak to Maryann Minerva 14:08:02
17 about having to take the tests for Suffolk 14:08:06
18 County? 14:08:07
19 A. I don't know if I ever spoke to her 14:08:10
20 about taking the tests for Suffolk County. 14:08:12
21 Q. Do you know who she is? 14:08:14
22 A. Yeah. She worked in the office. 14:08:15
23 Q. Have you ever communicated with her 14:08:16
24 about the Suffolk County tests? 14:08:19
25 Now communicated, I'm now broader 14:08:20
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1 G. Bosetti
2 than speaking about it. 14:08:23
3 A. Not that I recall. 14:08:23
4 Q. Other than for Hesse or Paradiso, did 14:08:26
5 you speak to anybody else about having to take 14:08:30
6 these tests in Ocean Beach? 14:08:33
7 A. I don't think so. Not that I recall. 14:08:37
8 Q. Did you ever speak with anybody by 14:08:39
9 the name of Allison Chester or Allison Sanchez 14:08:42
10 about having to take these tests? 14:08:45
11 A. No. 14:08:47
12 Q. Do you know who Allison Sanchez is? 14:08:47
13 A. No. 14:08:49
14 Q. Do you know who Allison Chester is? 14:08:49
15 A. No. 14:08:51
16 Q. You never heard that name? 14:08:51
17 A. No. 14:08:52
18 Q. Did you ever receive any performance 14:08:53
19 evaluations when you were employed by the Ocean 14:09:04
20 Beach Police Department? 14:09:09
21 MR. NOVIKOFF: Objection to the form. 14:09:10
22 A. I don't think so. I don't know if 14:09:12
23 there was. 14:09:14
24 Q. Did you ever receive an employee 14:09:15
25 handbook? 14:09:19
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1 G. Bosetti
2 A. Employee handbook. 14:09:20
3 MR. NOVIKOFF: Objection to the form. 14:09:22
4 A. No, not that I can recall. 14:09:25
5 (Plaintiffs' Exhibit G. Bosetti 5, 14:09:48
6 2007 Yearly Performance Report, marked for 14:12:22
7 identification, as of this date.) 14:12:22
8 BY MR. GOODSTADT: 14:09:58
9 Q. Were you ever told by anyone at Ocean 14:09:58
10 Beach that you needed to write more summonses? 14:10:02
11 A. Yes. 14:10:05
12 Q. Who told you that? 14:10:06
13 A. Sergeant Hesse and Chief Paradiso. 14:10:07
14 Q. And when did they tell you that? 14:10:12
15 A. That I should write more summonses. 14:10:13
16 Q. When did they tell you that? 14:10:19
17 A. When? 14:10:20
18 Q. Yup. 14:10:21
19 A. I don't recall. 14:10:22
20 Q. Do you recall what year it was? 14:10:23
21 A. No, sir. 14:10:25
22 Q. How many times did they tell you to 14:10:25
23 do it, that you needed to do that? 14:10:27
24 MR. NOVIKOFF: Object to the form. 14:10:29
25 A. Probably at least twice. 14:10:32
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1 G. Bosetti
2 Q. And you don't recall what year either 14:10:34
3 of those times were? 14:10:36
4 A. No. 14:10:37
5 Q. Did they tell you together or did 14:10:37
6 they tell you separately? 14:10:39
7 A. Probably separate. 14:10:43
8 Q. Probably separately or you actually 14:10:45
9 recall them telling you separately? 14:10:47
10 A. I can't remember. I don't recall. 14:10:48
11 Q. You ever recall a time where it was 14:10:50
12 posted on a board the amount of summonses that 14:10:53
13 people wrote in the department? 14:10:56
14 A. I think so. 14:10:59
15 Q. You recall -- 14:10:59
16 A. I think so. 14:11:00
17 Q. -- Chief Paradiso holding a meeting 14:11:01
18 where he went over the number of summonses that 14:11:03
19 people wrote? 14:11:06
20 A. Yes, I think so. 14:11:07
21 Q. Was it during that meeting that you 14:11:09
22 were told you needed to write more summonses? 14:11:11
23 A. Possibly. 14:11:14
24 Q. Did anyone ever tell you in writing 14:11:15
25 that you needed to write more summonses? 14:11:17
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1 G. Bosetti
2 A. No. 14:11:19
3 Q. Approximately how many summonses a 14:11:23
4 year did you write while you were employed as an 14:11:30
5 Ocean Beach police officer? 14:11:30
6 A. Two to three summonses a year. 14:11:30
7 Q. Did Paradiso or Hesse tell you the 14:11:33
8 number of summonses that you should be writing a 14:11:36
9 year when they told you needed to write more 14:11:39
10 summonses? 14:11:42
11 A. No. 14:11:42
12 (Document review.) 14:11:54
13 MR. GOODSTADT: I've placed in front 14:12:04
14 of Mr. Bosetti what's now marked as 14:12:05
15 G. Bosetti-5. It's a multiple page exhibit 14:12:07
16 bearing Bates numbers 8189 through 8191. 14:12:10
17 BY MR. GOODSTADT: 14:12:14
18 Mr. Bosetti, you recognize the 14:12:14
19 document that's been marked as G. Bosetti-5? 14:12:15
20 A. Yes, sir. 14:12:19
21 Q. And what is this document? 14:12:19
22 A. Yearly Performance Report. 14:12:21
23 Q. Did you ever receive a copy of this 14:12:24
24 Yearly Performance Report? 14:12:26
25 A. I don't think so. I don't know if I 14:12:28
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1 G. Bosetti
2 ever seen this. 14:12:35
3 Q. So sitting here today, you don't know 14:12:36
4 one way or the other whether you've seen this? 14:12:38
5 A. This is for 2007. I don't know. 14:12:42
6 Q. Did you ever receive one for a 14:12:47
7 different year other than for the one that's 14:12:50
8 been marked as G. Bosetti-5 which appears to be 14:12:51
9 for 2007? 14:12:54
10 A. No, not that I can recall. 14:12:55
11 Q. So sitting here today, do you see up 14:12:56
12 in the section under "Officer's General 14:13:02
13 Enforcement Against Crime, Quality of Life and 14:13:05
14 Other Violations," you see that? 14:13:07
15 A. Yes. 14:13:09
16 Q. And the second line down says, "Needs 14:13:09
17 to write more summonses." 14:13:12
18 Do you see that? 14:13:13
19 A. Yes, sir. 14:13:14
20 Q. That doesn't refresh your 14:13:15
21 recollection as to whether you ever received 14:13:17
22 that instruction in writing? 14:13:19
23 A. I don't know if I've seen this. I 14:13:21
24 was told to write more summonses. 14:13:24
25 Q. In the bottom, do you recognize the 14:13:26
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1 G. Bosetti
2 signature on the bottom next to "Supervisor's 14:13:29
3 signature"? 14:13:32
4 MR. NOVIKOFF: Objection. 14:13:32
5 A. I don't know if I recognize the 14:13:36
6 signature. It says, "George B. Hesse" 14:13:37
7 underneath it. 14:13:40
8 Q. You don't recognize that to be his 14:13:40
9 signature? 14:13:42
10 MR. NOVIKOFF: Objection. 14:13:43
11 A. I can't make that out. 14:13:43
12 Q. And 1/31/08 you were still employed 14:13:45
13 there, correct? 14:13:48
14 A. 1/31/08. Yes. 14:13:48
15 Q. Had Mr. Hesse been indicted in 14:13:54
16 connection with the Gilbert incident by that 14:13:57
17 time? 14:13:59
18 A. January of '08. I'm not sure. 14:13:59
19 Q. Was he your supervising officer at 14:14:07
20 that time? 14:14:09
21 A. Yes, he was. 14:14:10
22 Q. What was Mr. Hesse's title on your 14:14:12
23 last day of employment? 14:14:17
24 MR. NOVIKOFF: Objection. 14:14:18
25 A. The chief. 14:14:20
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1 G. Bosetti
2 Q. You referred to him as chief? 14:14:21
3 A. Yes, sir. 14:14:22
4 Q. Everyone else in the department refer 14:14:24
5 to him as chief? 14:14:25
6 MR. NOVIKOFF: Objection. 14:14:26
7 A. I referred to him as chief. 14:14:26
8 Q. Did you hear other people in the 14:14:28
9 department refer to him as chief? 14:14:30
10 A. I believe so. I don't know. I'm not 14:14:31
11 sure now. 14:14:34
12 Q. Did you ever hear anyone outside of 14:14:34
13 the department refer to him as chief? 14:14:37
14 MR. NOVIKOFF: Objection. 14:14:38
15 A. Yes, yes. 14:14:38
16 Q. Who have you heard refer to him as 14:14:41
17 chief outside -- 14:14:42
18 A. I guess just the people, the 14:14:44
19 townspeople. 14:14:46
20 Q. And that was through your last day of 14:14:49
21 employment you heard people referring to him as 14:14:52
22 chief? 14:14:53
23 A. Yes. 14:14:53
24 (Plaintiffs' Exhibit G. Bosetti 6, 14:15:08
25 Incorporated Village of Ocean Beach 14:15:08
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1 G. Bosetti
2 Employee Handbook, marked for 14:15:08
3 identification, as of this date.) 14:15:08
4 MR. GOODSTADT: I've placed in front 14:15:29
5 of Mr. Bosetti what's now been marked as 14:15:29
6 G. Bosetti-6. It's a multiple page exhibit 14:15:31
7 bearings Bates numbers 1 through 25. 14:15:34
8 BY MR. GOODSTADT: 14:15:34
9 Q. Mr. Bosetti, have seen the document 14:15:40
10 marked as G. Bosetti-6? 14:15:42
11 A. Did I ever see it? 14:15:44
12 Q. Yes. 14:15:44
13 A. I don't recall seeing it, no. 14:15:46
14 Q. So I assume based on that answer you 14:15:47
15 don't recall -- 14:15:53
16 A. Unless -- I really don't know. I 14:15:53
17 have a hard time remembering. I apologize. 14:15:56
18 (Document review.) 14:15:59
19 Q. What do you mean you have a hard time 14:16:01
20 remembering? 14:16:04
21 A. Hmm? 14:16:04
22 Q. What do you mean you have a hard time 14:16:05
23 remembering? 14:16:08
24 A. My memory sometimes isn't too good. 14:16:09
25 That's all. 14:16:10
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1 G. Bosetti
2 Q. If you look at page 4 of the exhibit 14:16:10
3 marked as G. Bosetti-6, based on your lack of 14:16:15
4 recollection as to whether you saw this document 14:16:22
5 or not, you don't recall whether you signed page 14:16:23
6 4? 14:16:27
7 MR. NOVIKOFF: Objection to the form. 14:16:28
8 (Document review.) 14:16:31
9 A. I might have. Yeah, I might have 14:16:31
10 signed this. I might have seen it. 14:16:35
11 Q. You don't recall one way or the 14:16:37
12 other? 14:16:38
13 A. No, sir, I don't. 14:16:38
14 Q. If you look at page 10 -- 14:16:40
15 MR. NOVIKOFF: That would be Bates 14:16:46
16 stamp No. 10? 14:16:48
17 MR. GOODSTADT: Bates stamp number 14:16:49
18 10, yeah. 14:16:51
19 BY MR. GOODSTADT: 14:16:51
20 Q. Are you there? 14:16:52
21 If you look about almost halfway down 14:16:53
22 the page where it says, "Employee performance 14:16:55
23 appraisals," do you see that? 14:16:57
24 A. Yes. 14:16:58
25 Q. You see, "Duly hired employees may 14:16:59
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1 G. Bosetti
2 receive performance appraisals after 30 days"? 14:17:00
3 Did you receive a performance 14:17:02
4 appraisal after 30 days when you were hired? 14:17:05
5 A. I don't recall. 14:17:08
6 Q. And it says, "...a more formal 14:17:10
7 evaluation at the end of six months." 14:17:12
8 Do you see that, where it says that? 14:17:14
9 A. Yes. 14:17:15
10 Q. Did you receive a more formal 14:17:15
11 evaluation at the end of six months of your 14:17:17
12 employment? 14:17:19
13 A. I don't recall. 14:17:19
14 Q. It says, "Thereafter all employees 14:17:19
15 may receive a performance appraisal annually." 14:17:21
16 Do you see that? 14:17:24
17 A. Yes. 14:17:24
18 Q. So based on your answers before, that 14:17:25
19 hasn't changed? You don't recall ever receiving 14:17:28
20 an annual employee performance appraisal? 14:17:30
21 A. No. No. 14:17:32
22 Q. Do you recall how much you were paid 14:17:34
23 when you were first hired by Ocean Beach? 14:17:49
24 Well, strike that. 14:17:52
25 You paid hourly or on salary? 14:17:52
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1 G. Bosetti
2 A. Hourly. 14:17:54
3 Q. Do you recall how much your starting 14:17:55
4 hourly wage was? 14:17:57
5 A. \$18, \$19 approximately. 14:17:59
6 Q. Were you paid overtime when you 14:18:02
7 worked overtime? 14:18:03
8 A. I'm sorry. What you do you mean by 14:18:09
9 overtime? 14:18:11
10 Q. Did you ever work more than 40 hours 14:18:12
11 in a week? 14:18:14
12 A. No. I don't think so. 14:18:14
13 Q. Did you receive any raises while you 14:18:16
14 worked there? 14:18:21
15 A. Just the annual raises. 14:18:22
16 Q. What do you mean by "just the annual 14:18:25
17 raises"? 14:18:27
18 A. Every year you get a raise. 14:18:27
19 Q. Every year everybody in the police 14:18:31
20 department got a raise? 14:18:33
21 A. Yes. 14:18:34
22 MR. NOVIKOFF: Objection. 14:18:34
23 Q. Did you make the same amount as your 14:18:36
24 brother every year? 14:18:38
25 A. Yes. 14:18:38
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1 G. Bosetti
2 Q. So it was a lock step raise? 14:18:40
3 A. Pretty much, yes. 14:18:43
4 Q. Did all the officers receive the same 14:18:44
5 amount every year? 14:18:45
6 A. As far as I know. 14:18:46
7 MR. GOODSTADT: Mark this. 14:18:51
8 (Plaintiffs' Exhibit G. Bosetti 7, G. 14:18:52
9 Bosetti Wage/Salary History, marked for 14:18:52
10 identification, as of this date.) 14:18:52
11 MR. GOODSTADT: I've placed in front 14:19:16
12 of Mr. Bosetti what's marked as 14:19:17
13 G. Bosetti-7. It's a one-page exhibit 14:19:18
14 bearing Bates 6237. 14:19:20
15 BY MR. GOODSTADT: 14:19:20
16 Q. Mr. Bosetti, if you look at the 14:19:25
17 "Employee Name," it says, "Gary B. Bosetti." 14:19:29
18 Is that your middle initial, B? 14:19:31
19 A. Yes, sir. 14:19:33
20 Q. And see "Employee Number" it says, 14:19:35
21 "719"? 14:19:35
22 Do you see that? 14:19:35
23 A. Yes. 14:19:36
24 Q. Do you know what that refers to? 14:19:36
25 A. No, I don't. 14:19:37
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1 G. Bosetti
2 Q. Did you have a shield number when you 14:19:38
3 worked there? 14:19:39
4 A. Yes, I did. 14:19:40
5 Q. What was your shield number? 14:19:40
6 A. 411. 14:19:41
7 Q. That was your shield number the 14:19:43
8 entire time that you were employed at Ocean 14:19:50
9 Beach? 14:19:52
10 A. Yes. 14:19:52
11 Q. Now if you look at this document, 14:19:53
12 April 21st, 2002, was that the date you were 14:19:55
13 hired? 14:19:58
14 A. That's approximately right, yes. 14:19:58
15 Q. Is that the date that you went to 14:20:01
16 that meeting that you testified to before or is 14:20:03
17 that a latter date? 14:20:07
18 A. I don't know. 14:20:08
19 Q. You have anything that would refresh 14:20:09
20 your recollection as to when that meeting date 14:20:12
21 was? 14:20:12
22 A. No, sir, I don't. 14:20:14
23 Q. You don't have any diaries or 14:20:14
24 anything, any journals that would refresh your 14:20:17
25 recollection? 14:20:20
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1 G. Bosetti
2 A. No, sir. 14:20:21
3 Q. If you look, it says, "From 4/21/02 14:20:22
4 to 5/31/02." 14:20:27
5 Do you see that first line there, the 14:20:28
6 first row? 14:20:30
7 A. Yes. 14:20:31
8 Q. It says, "Position and 14:20:31
9 Classification: Police officer"? 14:20:32
10 A. Yes. 14:20:34
11 Q. So you were paid as a police officer 14:20:34
12 that year? 14:20:37
13 A. Yes. 14:20:38
14 Q. And you were paid \$16 an hour. 14:20:39
15 Do you see that? 14:20:41
16 A. Yes. 14:20:42
17 Q. Does that refresh your recollection 14:20:42
18 as to how much you were paid? 14:20:44
19 A. Less than I thought. 14:20:45
20 Q. And then do you see from 6/02 through 14:20:48
21 5/03 it says you were paid as a police officer 14:20:53
22 \$18 an hour? 14:20:56
23 You see that? 14:20:58
24 A. Yes. 14:20:58
25 Q. Now if you'd look at the rates and 14:20:59
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1 G. Bosetti
2 the years, just let me know if there's any 14:21:01
3 reason to believe that that's not accurate. 14:21:04
4 (Document review.) 14:21:06
5 A. No, I can't see any reason. 14:21:09
6 Q. So just so I'm clear, the period from 14:21:12
7 between 5/31/06, which is the last day that you 14:21:18
8 were making \$19.95 an hour, to 6/1/06 when you 14:21:22
9 got a raise to \$20.65 an hour, do you see that? 14:21:27
10 A. Yes. 14:21:29
11 Q. That's accurate to the best of your 14:21:30
12 recollection? 14:21:31
13 A. To the best of my recollection. 14:21:32
14 Q. So going into the '06 season, you'd 14:21:34
15 received a raise at some point during the '06 14:21:38
16 season? 14:21:41
17 A. Possibly. 14:21:42
18 Q. Well, you testified before that you 14:21:44
19 got a raise every year. We went over the lock 14:21:45
20 step -- 14:21:45
21 A. Yes. I assumed I'm getting a raise 14:21:48
22 here. You can see the prices here. You know 14:21:49
23 how much you're getting a raise. 14:21:51
24 Q. Was there any year in which you 14:21:52
25 didn't get a raise? 14:21:54
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1 G. Bosetti
2 A. I really can't say. Maybe. I don't 14:21:58
3 know. 14:22:05
4 Q. Sitting here today, you can't recall 14:22:05
5 any year that you didn't get a raise? 14:22:07
6 A. I can't recall. I mean it's 50 14:22:09
7 cents, something like that, you really don't 14:22:13
8 take much notice of it. 14:22:14
9 Q. Did you ever collect unemployment 14:22:16
10 between seasons? 14:22:17
11 A. Yes, I did. 14:22:20
12 Q. Which years did you collect 14:22:21
13 unemployment between seasons? 14:22:23
14 A. Oh, offhand I can't -- I don't 14:22:25
15 recall. 14:22:28
16 Q. During those years that you collected 14:22:31
17 unemployment between seasons, were you working 14:22:33
18 any tours during the off season? 14:22:37
19 A. Yes. 14:22:38
20 Q. Were you ever denied unemployment? 14:22:54
21 A. Yes. 14:22:56
22 MR. NOVIKOFF: While he was working 14:22:58
23 at Ocean Beach? 14:22:59
24 MR. GOODSTADT: Yes, or after. 14:23:01
25 MR. NOVIKOFF: In the time period in 14:23:03
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1 G. Bosetti
2 which he performed work for Ocean Beach or 14:23:04
3 after he resigned. 14:23:09
4 MR. GOODSTADT: Yes. 14:23:09
5 A. When I resigned I was denied. 14:23:10
6 Q. What was the -- did you apply for it 14:23:14
7 when you resigned? 14:23:16
8 A. Yes, I did. 14:23:18
9 Q. Do you know what the basis of the 14:23:19
10 denial was? 14:23:21
11 A. Basically that I resigned myself out 14:23:22
12 of my own free will, yeah. 14:23:24
13 Q. So you voluntarily left -- 14:23:25
14 A. Yes. 14:23:28
15 Q. -- as opposed to being terminated? 14:23:27
16 A. Yes, sir. 14:23:29
17 (Plaintiffs' Exhibit G. Bosetti 8, 14:23:36
18 Document entitled "State of New York 14:23:36
19 Division of Criminal Justice Services", 14:23:36
20 marked for identification, as of this 14:23:36
21 date.) 14:23:36
22 MR. GOODSTADT: I've placed in front 14:23:56
23 of Mr. Bosetti what's now been marked as 14:23:57
24 G. Bosetti-8. It's a two-page exhibit 14:23:59
25 bearing Bates 8264 and 8265. 14:24:02
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1 G. Bosetti
2 BY MR. GOODSTADT: 14:24:08
3 Q. Mr. Bosetti, do you know what this 14:24:08
4 document is that's been marked as G. Bosetti-8? 14:24:09
5 A. No, sir. 14:24:12
6 Q. You've never seen a report like this? 14:24:15
7 A. No. 14:24:17
8 Q. Now if you look at the section that 14:24:21
9 says, "LICAPP," do you see that? 14:24:26
10 A. Yes. 14:24:29
11 Q. At December 12, 2001 it says "Type," 14:24:30
12 and it says, "Pistol." 14:24:33
13 Do you see that? 14:24:34
14 A. Yes. 14:24:34
15 Q. Was that your application for a 14:24:34
16 pistol permit? 14:24:36
17 A. December 12th, 2001? 14:24:37
18 MR. NOVIKOFF: Objection. 14:24:41
19 A. Yes. 14:24:41
20 Q. So that was right before you retired 14:24:42
21 from -- 14:24:44
22 A. Right. 14:24:44
23 Q. -- the New York City Police 14:24:44
24 Department? 14:24:44
25 It says, "May 18th, 2005 New York 14:24:45
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1 G. Bosetti
2 State Department STLICDIV." 14:24:52
3 Do you recall applying for any 14:24:55
4 licenses in May of 2005? 14:24:56
5 A. Licenses? Would that be motor 14:25:03
6 vehicle? 14:25:15
7 Q. I don't know. I'm asking if you 14:25:16
8 applied for any licenses. If you can't recall, 14:25:17
9 you can't recall. 14:25:19
10 MR. FEHRINGER: To the best of your 14:25:20
11 recollection. 14:25:21
12 A. I did go for my CDL, but I don't 14:25:22
13 recall when that was. 14:25:25
14 Q. What do mean by your CDL? 14:25:26
15 A. Driving trucks. 14:25:29
16 Q. And that was in May of '05? 14:25:30
17 MR. NOVIKOFF: Objection. 14:25:32
18 A. I'm not sure. I'm sorry. I 14:25:32
19 apologize for that. I don't know. 14:25:34
20 Q. But do you recall any document in 14:25:37
21 which you or license in which you applied for in 14:25:40
22 May of '05? 14:25:43
23 A. No. 14:25:44
24 Q. Did you ever carry any Ocean Beach 14:25:53
25 issued firearm? 14:25:58
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1 G. Bosetti
2 A. I'm sorry? 14:26:00
3 Q. Did you ever carry an Ocean Beach 14:26:01
4 issued firearm? 14:26:03
5 A. My last, my last year there. 14:26:03
6 Q. Why did -- 14:26:03
7 A. They issued me my own firearm. 14:26:08
8 Q. Why did they -- why did you use your 14:26:10
9 last year an Ocean Beach issued firearm as 14:26:13
10 opposed to your own personal firearm? 14:26:16
11 MR. NOVIKOFF: Objection. Form. 14:26:18
12 A. Well, I like to keep my firearm at 14:26:19
13 home. I wouldn't carry it back and forth so I 14:26:22
14 kept my Glock, my service revolver, not 14:26:26
15 revolver, my service gun in my locker. 14:26:29
16 Q. At Ocean Beach? 14:26:32
17 A. Yes. 14:26:33
18 So when they issued me one, I was 14:26:34
19 able to take my Glock home and keep it home. 14:26:36
20 Q. So for how many years were you 14:26:40
21 employed at Ocean Beach, '02, about six or seven 14:26:44
22 years you were employed there? 14:26:48
23 A. Yes. 14:26:49
24 Q. So for the first five or six years 14:26:50
25 you transported your own weapon back and forth 14:26:52
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1 G. Bosetti
2 and the last year is when you -- 14:26:54
3 A. I left it at -- 14:26:54
4 MR. NOVIKOFF: Let him finish the 14:26:54
5 sentence. 14:26:54
6 BY MR. GOODSTADT: 14:26:54
7 Q. The last year is when you started 14:26:59
8 putting the Ocean Beach issued one in your 14:26:59
9 locker and not having to transport the weapon 14:27:02
10 back and forth? 14:27:04
11 A. I never transported it back and 14:27:04
12 forth. I left my gun in my locker. 14:27:07
13 Q. Oh. So for the first five or six 14:27:11
14 years you never took your gun off the island, 14:27:13
15 you always left it in your locker? 14:27:16
16 A. Yes. 14:27:17
17 Q. Okay. And then the last year what 14:27:18
18 happened; you took your personal gun home and 14:27:20
19 just used -- 14:27:22
20 A. And left it home. 14:27:22
21 Q. -- the Ocean Beach gun? 14:27:23
22 A. Yes. 14:27:23
23 Q. Okay. Did you put your Ocean Beach 14:27:25
24 issued weapon in the locker -- 14:27:27
25 A. Yes. 14:27:27
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1 G. Bosetti
2 Q. -- after your tours? 14:27:31
3 A. Yes. 14:27:32
4 Q. Did you have your own personal locker 14:27:32
5 or was it a locker that everyone used? 14:27:34
6 A. Personal locker. 14:27:35
7 Q. Where was that located? 14:27:37
8 A. In the barracks. 14:27:38
9 Q. What kind of lock was on the locker? 14:27:40
10 A. A combination lock I think. 14:27:42
11 Q. And were there any weapons kept at 14:27:44
12 the police station? 14:27:51
13 A. Possibly handguns that weren't being 14:27:55
14 used. 14:27:59
15 Q. You're not aware one way or the other 14:28:01
16 whether they were or not actually kept in the 14:28:04
17 station? 14:28:07
18 A. Um... 14:28:07
19 Q. The only reason why I asked is 14:28:12
20 because you said possibly, so I didn't know if 14:28:13
21 you were sure or you were just speculating. 14:28:15
22 A. Nah. If there was extra weapons that 14:28:17
23 we were short the guys that didn't have to be 14:28:19
24 issued weapons, they'd be kept under lock and 14:28:21
25 key. 14:28:25
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1 G. Bosetti
2 Q. Where would they be kept? 14:28:25
3 A. In the gun locker. 14:28:27
4 Q. Where is the gun locker? 14:28:29
5 A. Where was it? Underneath the desk 14:28:31
6 or on -- I think it was underneath, they mounted 14:28:37
7 it underneath the desk. 14:28:40
8 Q. Underneath whose desk? 14:28:41
9 A. Or underneath the shelf. Between the 14:28:42
10 two desks there was a shelf. It was mounted 14:28:45
11 underneath there. 14:28:48
12 Q. And was one of those desks George 14:28:48
13 Hesse's desk? 14:28:51
14 A. Yes. 14:28:51
15 Q. And who was the other desk for? 14:28:52
16 A. Paradiso. 14:28:53
17 Q. So between their desks is where the 14:28:54
18 gun locker was? 14:28:58
19 A. I believe so, yes. 14:28:58
20 Q. How many lockers did you have? 14:28:59
21 A. Personally? 14:29:02
22 Q. Yes. 14:29:02
23 A. I think I only had one. I might have 14:29:12
24 had two in the city, but I think I only had one. 14:29:16
25 Q. That was in the barracks? 14:29:18
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1 G. Bosetti
2 A. Yes. 14:29:19
3 Q. Your locker? 14:29:19
4 So you didn't have a locker in the 14:29:20
5 police station? 14:29:21
6 A. No. There was no locker in the 14:29:23
7 police station. 14:29:26
8 (Plaintiffs' Exhibit G. Bosetti 9, 14:29:30
9 Two-page document on the letterhead of
10 Police Department of Ocean Beach, dated
11 4/2/06 in re Weapons purchase/weapons
12 carry, marked for identification, as of
13 this date.)
14 BY MR. GOODSTADT: 14:29:47
15 Q. Do you know what the term 14:29:47
16 "quartermaster" means? 14:29:49
17 A. Yes. 14:29:51
18 Q. What's a quartermaster? 14:29:51
19 A. Issues equipment. 14:29:54
20 Q. Did Ocean Beach have a quartermaster? 14:29:56
21 MR. NOVIKOFF: Objection. 14:30:00
22 A. I don't think so. 14:30:02
23 MR. GOODSTADT: I've placed in front 14:30:21
24 of Mr. Bosetti what's now been marked as 14:30:22
25 G. Bosetti-9. It's a two-page exhibit 14:30:23
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1 G. Bosetti
2 bearing Bates 8208 to 8209. 14:30:26
3 BY MR. GOODSTADT: 14:30:26
4 Q. Mr. Bosetti, have you ever seen the 14:30:30
5 document or at least the first page of what's 14:30:31
6 been marked as G. Bosetti-9 that has the number 14:30:35
7 8208 on the corner? 14:30:37
8 A. Yes. 14:30:39
9 Q. You see -- is that your signature 14:30:40
10 above the line that says, "Signature"? 14:30:42
11 A. Yes. 14:30:45
12 Q. Do you know whose signature that is 14:30:46
13 above the line that says, "Deputy Chief of 14:30:48
14 Police"? 14:30:52
15 MR. NOVIKOFF: Objection. 14:30:52
16 A. No. 14:30:53
17 Q. Do you know -- do you recall signing 14:30:55
18 this document? 14:30:57
19 A. Not really. I'm sorry. 14:30:59
20 Q. Do you know why you signed this 14:31:05
21 document or what this document was for? 14:31:07
22 I'm just talking about the first page 14:31:11
23 8208. 14:31:13
24 (Document review.) 14:31:15
25 A. Okay. I'm sorry. What did you want 14:31:17
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1 G. Bosetti
2 to know? 14:31:35
3 Q. Do you know why you were signing this 14:31:35
4 document or what this document was for? 14:31:37
5 MR. NOVIKOFF: Objection. 14:31:40
6 A. They didn't want us to purchase any 14:31:41
7 firearms without the consent of the chief. 14:31:46
8 Q. And did you at this point in time, 14:31:48
9 which is, appears to be April 2nd, 2006, is that 14:31:51
10 when you were issued your weapon from the Beach 14:31:59
11 or was it in '07 that you were issued the weapon 14:32:01
12 from the Beach? 14:32:04
13 A. I would think it's '07. 14:32:07
14 Q. Do you know why you were signing 14:32:10
15 something that said, "I further agree I will not 14:32:12
16 carry my department firearm while off duty 14:32:16
17 without direct permission from the Deputy Chief 14:32:18
18 of Police"? 14:32:22
19 MR. NOVIKOFF: Objection. 14:32:22
20 A. I'm sorry. Rephrase that. 14:32:23
21 Q. It says here -- you said that you 14:32:24
22 don't believe that you got a weapon issued by 14:32:27
23 the Beach until '07, correct? 14:32:30
24 A. Yeah. 14:32:32
25 Q. And then page 1 of the document 14:32:32
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1 G. Bosetti
2 that's been marked as G. Bosetti-9, you're 14:32:35
3 agreeing and you signed to agreeing that you're 14:32:38
4 not going to carry your department firearm while 14:32:39
5 off duty. 14:32:43
6 I just wondered why you would sign 14:32:44
7 something that says that if you didn't have a 14:32:47
8 firearm issued by the department. 14:32:48
9 MR. NOVIKOFF: Objection. 14:32:49
10 A. Maybe I got the gun in '06. I'm not 14:32:53
11 sure. 14:32:56
12 Q. And then if you look at the next 14:32:56
13 page? 14:32:58
14 A. Yeah. 14:32:58
15 Q. Is that your signature on the bottom 14:32:59
16 as well above the word "Signature"? 14:33:03
17 A. Yes. 14:33:03
18 Q. And do you recognize the signature 14:33:06
19 below yours there? 14:33:08
20 A. I can't make that out. 14:33:10
21 Q. Okay. You see the first sentence 14:33:12
22 says, "I received, read and agreed with the 14:33:16
23 attached quartermaster sheet listing all 14:33:18
24 equipment issued to me by the Incorporated 14:33:21
25 Village of Ocean Beach for which I am 14:33:22
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1 G. Bosetti
2 responsible." 14:33:24
3 Do you see that? 14:33:24
4 A. Yes. 14:33:26
5 Q. Do you recall having a quartermaster 14:33:26
6 sheet? 14:33:28
7 MR. NOVIKOFF: Objection. 14:33:30
8 A. Quartermaster sheet. I don't recall. 14:33:33
9 Q. What other equipment were issued -- 14:33:36
10 was issued to you by the village? 14:33:40
11 MR. NOVIKOFF: Objection. 14:33:41
12 Foundation, form. 14:33:44
13 A. Just the uniform I believe. That's 14:33:50
14 it. 14:33:54
15 Q. Do you know who Paul Trosco is? 14:34:03
16 A. Yes. 14:34:06
17 Q. Who is Paul Trosco? 14:34:07
18 A. He was a police officer in Ocean 14:34:08
19 Beach. 14:34:11
20 Q. Was he part time, full time, 14:34:12
21 seasonal? 14:34:14
22 A. At the end he was full time. 14:34:15
23 Q. What do you mean by "at the end"? 14:34:17
24 What are you referring to? 14:34:19
25 A. When he left to go to, I don't know 14:34:20
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1 G. Bosetti
2 if he went to Nassau or Suffolk. 14:34:22
3 Q. What time frame are you talking 14:34:25
4 about? 14:34:28
5 A. Maybe in '08. I'm not sure. 14:34:29
6 Q. So he was full time up until '08? 14:34:33
7 A. Yes. I think he left sometime in 14:34:36
8 '08. He was there in '07, '08. 14:34:41
9 Q. Do you know when he became full time? 14:34:44
10 A. When he became full time? 14:34:45
11 Q. Yes. 14:34:47
12 A. No, sir. 14:34:47
13 Q. Was he part time before becoming full 14:34:47
14 time or was he hired in as a full-time officer? 14:34:50
15 A. I believe he was part time. 14:34:52
16 Q. Are there any other full-time 14:34:53
17 officers in Ocean Beach other than for Paradiso, 14:34:57
18 Hesse and Trosco? 14:35:02
19 A. I know of several were hired after I 14:35:03
20 left. I don't know who's -- 14:35:19
21 Q. How about before you left? 14:35:20
22 A. Before I left? 14:35:20
23 Q. While you were employed there. 14:35:22
24 A. It was Paulie. That's about it as 14:35:23
25 far as I can remember. 14:35:31
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1 G. Bosetti
2 Q. Was there an Officer Foti who worked 14:35:32
3 there, F-o-t-i? 14:35:35
4 A. Yes. 14:35:35
5 Q. Was Officer Foti full time? 14:35:37
6 A. Hmm. He might have been. I don't 14:35:39
7 remember. 14:35:39
8 Q. You don't recall one way of the 14:35:44
9 other? 14:35:46
10 A. No, sir. 14:35:46
11 Q. Do you know when he was hired? 14:35:46
12 A. No, sir. 14:35:47
13 Q. Was he at one point, to your 14:35:48
14 knowledge, part time? 14:35:52
15 A. I believe he was. 14:35:52
16 Q. So if he was full time, do you 14:35:54
17 understand that he was part time and then moved 14:35:57
18 to full time? 14:36:00
19 A. Yes. 14:36:01
20 Q. How about John Zois, Z-o-i-s? Do you 14:36:01
21 know who that is? 14:36:19
22 A. Yes. 14:36:20
23 Q. Who's that? 14:36:20
24 A. He's a police officer in Ocean Beach. 14:36:22
25 Q. Full time or part time? 14:36:24
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1 G. Bosetti
2 A. I think he started part time and 14:36:26
3 became full time. 14:36:28
4 Q. Do you know when he became full time? 14:36:29
5 A. No, sir. 14:36:32
6 Q. Do you know when he started part 14:36:33
7 time? 14:36:35
8 A. No, sir. 14:36:35
9 Q. Mike Mills, do you know who that is? 14:36:37
10 A. Oh, yes. 14:36:39
11 Q. Who is Mike Mills? 14:36:40
12 A. A police officer in Ocean Beach. 14:36:41
13 Q. Full time or part time? 14:36:44
14 A. Again, I think he started part time 14:36:45
15 and now he's -- if he's still there, he's full 14:36:47
16 time. 14:36:50
17 Q. Do you know when he was moved to full 14:36:50
18 time? 14:36:55
19 A. No, sir. 14:36:55
20 Q. I testified -- you testified that you 14:36:55
21 believe you issued a couple summonses each year; 14:36:59
22 is that correct? 14:36:59
23 A. Yes. 14:37:03
24 Q. Did you ever issue any summonses to 14:37:04
25 any of the bars in Ocean Beach? 14:37:06
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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 14:37:08
3 Foundation, form. 14:37:09
4 A. I don't recall issuing summonses to 14:37:11
5 any of the business establishments in Ocean 14:37:15
6 Beach. 14:37:17
7 Q. I'm asking just about the bars right 14:37:17
8 now. 14:37:19
9 A. That would include the bars, no. 14:37:20
10 Q. Did you ever issue any summonses to 14:37:22
11 any of the bartenders in the bars? 14:37:25
12 MR. NOVIKOFF: Objection. Form, 14:37:26
13 foundation. 14:37:27
14 A. Not that I can recall. 14:37:29
15 Q. Did you ever issue any summonses to 14:37:30
16 any patrons of any bars in Ocean Beach? 14:37:31
17 MR. NOVIKOFF: Objection. Form, 14:37:34
18 foundation. 14:37:36
19 A. The summonses I gave out, if they 14:37:38
20 were patrons of the bar, then yes. 14:37:40
21 Q. Well, I'm asking if you recall ever 14:37:43
22 issuing a summons to somebody who was a patron 14:37:44
23 in a bar. 14:37:46
24 I don't mean issue a summons to 14:37:48
25 somebody riding their bike in the afternoon and 14:37:50
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1 G. Bosetti
2 maybe went to the bar that night. I mean in 14:37:53
3 connection with them being in the bar. 14:37:54
4 MR. NOVIKOFF: Objection. Form, 14:37:55
5 foundation. 14:37:56
6 A. Not that I recall, no. 14:38:00
7 Q. Were you ever told not to issue 14:38:02
8 summonses to certain bars? 14:38:05
9 A. No. 14:38:07
10 Q. Were you ever told not to issue 14:38:07
11 summonses to certain businesses? 14:38:09
12 A. No. 14:38:10
13 Q. Did you ever see George Hesse tear up 14:38:11
14 a summons? 14:38:14
15 A. No. 14:38:15
16 Q. Did you ever catch any underage 14:38:16
17 drinkers at any of the bars at Ocean Beach? 14:38:24
18 MR. NOVIKOFF: Objection to form and 14:38:25
19 foundation. 14:38:26
20 A. No. 14:38:28
21 Q. Did you ever walk into bars and ask 14:38:28
22 people for IDs? 14:38:33
23 MR. NOVIKOFF: Objection. Form and 14:38:34
24 foundation. 14:38:36
25 A. Yeah, possibly. 14:38:37
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1 G. Bosetti
2 Q. You don't recall doing it? 14:38:41
3 A. No, sir. 14:38:42
4 Q. Did you ever have an alcoholic 14:38:43
5 beverage while on duty at Ocean Beach? 14:38:47
6 A. If I went to a barbecue, I might have 14:38:52
7 a beer, yes. 14:38:57
8 Q. How many times did that happen? 14:38:58
9 A. Offhand I don't recall. 14:39:01
10 Q. Approximately? 14:39:04
11 A. I don't know. 14:39:05
12 Q. Were you wearing a uniform at the 14:39:06
13 time? 14:39:08
14 A. Yes, sir. 14:39:08
15 Q. Were there any rules regarding 14:39:12
16 drinking while you were on duty at Ocean Beach? 14:39:15
17 MR. NOVIKOFF: Objection. 14:39:18
18 A. I don't know. 14:39:21
19 Q. Any policies regarding drinking while 14:39:22
20 you were on duty at Ocean Beach? 14:39:24
21 MR. NOVIKOFF: Objection. 14:39:25
22 A. I don't know. 14:39:28
23 Q. Did Chief Paradiso ever talk to you 14:39:29
24 about drinking at Ocean Beach? 14:39:35
25 MR. NOVIKOFF: While on duty, 14:39:37
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1 G. Bosetti
2 off-duty or generally? 14:39:38
3 MR. GOODSTADT: Generally. We'll 14:39:39
4 break it down. 14:39:41
5 MR. NOVIKOFF: Okay. Objection to 14:39:41
6 the form. 14:39:43
7 You can answer. 14:39:44
8 A. Generally, is that what you said? 14:39:46
9 Q. Yes. 14:39:46
10 A. He wasn't crazy about us being, you 14:39:54
11 know, going out after work. 14:39:56
12 Q. How do you know that? How do you 14:39:57
13 know that? 14:40:00
14 A. How did he know that? 14:40:00
15 Q. No. How did you know that he wasn't 14:40:01
16 crazy about it? 14:40:03
17 A. He told us. 14:40:04
18 Q. So he did speak to you about 14:40:06
19 drinking. 14:40:07
20 A. This was off-duty, yes. 14:40:09
21 Q. That's why I said generally. That's 14:40:11
22 why I didn't break it down to on duty and off 14:40:14
23 duty. 14:40:14
24 How many times did he speak to you 14:40:17
25 about going out to the bars? 14:40:18
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1 G. Bosetti
2 A. I don't know; once, twice. 14:40:20
3 Q. And when were those one or two times? 14:40:24
4 A. I don't recall. 14:40:27
5 Q. Do you recall what year it was? 14:40:28
6 A. No. 14:40:30
7 Q. Was it prior to the Halloween 14:40:30
8 incident? 14:40:35
9 A. Yes. 14:40:37
10 Q. What year was the Halloween incident? 14:40:40
11 A. '04. 14:40:45
12 Q. So it's your -- 14:40:46
13 A. I'm not sure. 14:40:48
14 Q. So assuming it was '04, is it your 14:40:49
15 testimony that prior to October of '04, 14:40:52
16 Paradiso had spoken to you about drinking in the 14:40:55
17 bars in Ocean Beach? 14:40:57
18 MR. NOVIKOFF: Objection. Asked and 14:40:59
19 answered. 14:41:00
20 A. Yes. 14:41:00
21 Q. And what did he tell you about that 14:41:01
22 topic? 14:41:04
23 A. He didn't really want us out in the 14:41:07
24 bars. 14:41:11
25 Q. What exactly did he say? 14:41:12
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1 G. Bosetti
2 A. I don't recall exactly what he said. 14:41:14
3 Q. So whatever he said led you to 14:41:18
4 believe that he didn't want you to go out to the 14:41:19
5 bars? 14:41:21
6 A. Yeah. 14:41:21
7 Q. Did you ever observe any written 14:41:23
8 directive about going out to the bars? 14:41:25
9 A. No. No, sir. 14:41:27
10 Q. Do you recall what your response was, 14:41:28
11 if anything, to Paradiso telling you that he did 14:41:35
12 want you to go out to the bars? 14:41:36
13 A. Excuse me? 14:41:37
14 Q. Do you recall what your response was, 14:41:37
15 if anything, to Paradiso saying that he didn't 14:41:38
16 want you going out to the bars? 14:41:41
17 A. No. 14:41:42
18 Q. Who else did he tell other than for 14:41:42
19 you that he didn't want you going out to the 14:41:44
20 bars? 14:41:47
21 A. Oh, I don't know. He told me. 14:41:48
22 Q. Was your brother with you when he 14:41:51
23 told you? 14:41:53
24 A. I don't know. 14:41:54
25 Q. Did he tell you in some meeting or 14:41:54
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1 G. Bosetti
2 was it a one-on-one personal conversation? 14:41:56
3 A. Oh, I don't recall. 14:41:58
4 Q. Was it in response to any incident 14:41:59
5 that he told you that? 14:42:02
6 A. No. 14:42:02
7 Q. Where were you when he told that? 14:42:03
8 Was it in the station? 14:42:10
9 A. Possibly. Possibly in the station. 14:42:11
10 Q. And how about -- well, strike that. 14:42:13
11 You testified it was one or two times 14:42:19
12 where... 14:42:21
13 Did he ever tell you after the 14:42:22
14 Halloween incident that he didn't want you to go 14:42:24
15 out to the bars? 14:42:25
16 MR. NOVIKOFF: Objection. 14:42:28
17 A. I don't recall. 14:42:37
18 Q. Now just going back to the question 14:42:38
19 about drinking while you were on duty at Ocean 14:42:43
20 Beach, other than for the barbecues, did you 14:42:45
21 drink on duty at any other time in Ocean Beach? 14:42:49
22 A. No, sir. 14:42:52
23 Q. You never drank at a bar while you 14:42:55
24 were on duty at Ocean Beach? 14:42:58
25 A. No. 14:42:59
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1 G. Bosetti
2 Q. Did you ever have to be relieved from 14:42:59
3 your tour in a bar? 14:43:03
4 MR. NOVIKOFF: Objection. 14:43:06
5 Just can you read that question back? 14:43:07
6 (Question was read back as follows: 14:43:07
7 "QUESTION: Did you ever have to be 14:43:01
8 relieved from your tour in a bar?") 14:43:02
9 MR. NOVIKOFF: Ever have to be 14:43:01
10 relieved in a bar. 14:43:02
11 I'm going to object to the form. 14:43:08
12 BY MR. GOODSTADT: 14:43:16
13 Q. Do you understand what I'm saying 14:43:16
14 when I say that? 14:43:17
15 A. No. 14:43:18
16 Q. Did you ever have the next tour after 14:43:18
17 coming in at any point in time relieve you while 14:43:21
18 you were in a bar? Did they ever come to you 14:43:22
19 and get the radio from you while you were in a 14:43:24
20 bar? 14:43:28
21 MR. NOVIKOFF: I'm going to object to 14:43:28
22 that. 14:43:28
23 I mean I think the right question 14:43:29
24 would be were you ever relieved when you 14:43:30
25 were in the bar but... 14:43:33
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1 G. Bosetti
2 A. Now if I was off-duty I'd go to the 14:43:35
3 bar. 14:43:38
4 Q. With the police radio? 14:43:39
5 A. Possibly. 14:43:45
6 Q. Do you recall ever being in a bar 14:43:47
7 with the police radio? 14:43:48
8 MR. NOVIKOFF: While off-duty? 14:43:50
9 MR. GOODSTADT: At any point in time. 14:43:51
10 MR. NOVIKOFF: Okay. 14:43:52
11 A. When my tour ended. 14:43:54
12 Q. So the only time that you recall 14:43:55
13 having the police radio in a bar was after your 14:43:56
14 tour ended? 14:43:59
15 MR. NOVIKOFF: Objection to the form. 14:44:01
16 A. Yes. 14:44:02
17 Q. And were you ever relieved in a bar 14:44:02
18 by the next tour? 14:44:09
19 A. No. Not that I can recall, no. 14:44:12
20 Q. When you worked the 4 to 12 tour, is 14:44:13
21 that the, just so I understand, is that the time 14:44:21
22 period you were being paid from 4 p.m. to 12 14:44:22
23 p.m.? Is that how it worked? 14:44:25
24 MR. NOVIKOFF: Objection. 14:44:26
25 A. Actually you're supposed to get in 14:44:28
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1 G. Bosetti
2 there a half hour early, so 3:30 to 11:30. 14:44:30
3 Q. Was that in writing anywhere that 14:44:35
4 that was the period in which you were getting 14:44:37
5 paid, 3:30 to -- 14:44:39
6 A. I'm sorry? 14:44:41
7 Q. Is that in writing anywhere that the 14:44:41
8 period that you were getting paid was 3:30 14:44:43
9 to 11:30? 14:44:43
10 A. I was supposed to get relieved a half 14:44:43
11 hour early. 14:44:54
12 Q. Was it in writing anywhere that your 14:44:54
13 4 to 12 tour you were actually getting paid from 14:44:57
14 3:30 to 11:30? 14:45:00
15 A. Not that I know of. 14:45:01
16 Q. So what's the basis of your 14:45:03
17 understanding that a 4 to 12 tour actually meant 14:45:06
18 3:30 to 11:30? 14:45:09
19 A. When I started, that's what they told 14:45:10
20 me. 14:45:12
21 Q. Who told you that? 14:45:12
22 A. Chief Paradiso. 14:45:13
23 Q. And he said 4 to 12 is really 3:30 to 14:45:14
24 11:30? 14:45:22
25 A. 3:30 to 11:30, yes. 14:45:22
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1 G. Bosetti
2 Q. Is that when you timed out, at 11:30 14:45:32
3 every night? 14:45:34
4 MR. NOVIKOFF: Objection. 14:45:37
5 A. No. 14:45:38
6 Q. When would you check out? 14:45:39
7 A. Well, it's 4 to 12. 12:00. 14:45:42
8 Q. So just so I understand, you were 14:45:47
9 checking out at 12:00 but your tour actually 14:45:50
10 ended at 11:30? 14:45:53
11 A. Yes. You come in a half hour early. 14:45:54
12 Q. So you would work 3:30 to 12? 14:45:56
13 I'm confused. 14:45:59
14 A. 3:30 to 11:30, yeah. 14:46:00
15 Q. But on your time sheet you would 14:46:02
16 write 12? 14:46:04
17 A. Yes. 14:46:05
18 Q. And did someone instruct you to do 14:46:05
19 that instead of actually writing down the time 14:46:08
20 that you checked in and out? 14:46:11
21 A. I guess it was just to keep things 14:46:11
22 simple. 14:46:13
23 Q. What do you mean by that? 14:46:14
24 A. It's a 4 to 12 tour, you come in a 14:46:15
25 half hour early to relieve the guys and 14:46:20
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1 G. Bosetti
2 everybody does that so they can get out. Some 14:46:24
3 guys have second jobs so it's just known that 14:46:26
4 that's what you do. 14:46:29
5 Q. When you say "known," was that known 14:46:30
6 amongst Paradiso and Hesse as well? 14:46:35
7 MR. NOVIKOFF: Objection. 14:46:38
8 A. Yes. 14:46:39
9 Q. And is it's your understanding you 14:46:46
10 got paid starting at 3:30? 14:46:48
11 MR. NOVIKOFF: Objection to the form. 14:46:51
12 A. You got paid for eight hours of a 14:46:52
13 day. 14:46:55
14 Q. I understand that, but which hours 14:46:55
15 were you getting paid for? 14:46:57
16 MR. NOVIKOFF: Objection. To the 14:46:59
17 extent he knows. 14:47:02
18 A. You get paid for 8 hours a day. You 14:47:06
19 sign in at 4 and you sign out at 12. 14:47:09
20 Q. Just so I'm clear, but you were 14:47:14
21 working from 3:30 to 11:30? 14:47:15
22 MR. NOVIKOFF: Objection. 14:47:18
23 He said that five times already. 14:47:19
24 A. Yes. 14:47:22
25 Q. Did you ever get drunk at Ocean 14:47:26
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1 G. Bosetti
2 Beach? 14:47:30
3 MR. NOVIKOFF: Objection. Form. 14:47:31
4 Q. Do you understand what I mean when I 14:47:34
5 say drunk? 14:47:36
6 A. Yes, I understand what you mean. 14:47:37
7 Q. You understand what I mean when I say 14:47:38
8 in Ocean Beach? 14:47:41
9 A. Yes, I do. 14:47:41
10 Q. Did you ever get drunk in Ocean 14:47:41
11 Beach? 14:47:43
12 MR. NOVIKOFF: Objection to the form. 14:47:43
13 A. I might have had too much one night. 14:47:47
14 Q. Just one night? 14:47:49
15 A. Yeah. 14:47:50
16 Q. What's your definition of having too 14:47:51
17 much? 14:47:55
18 MR. NOVIKOFF: I would think it means 14:47:56
19 drunk. 14:47:58
20 MR. GOODSTADT: I appreciate that you 14:48:00
21 can testify but you're not the witness 14:48:01
22 today so... 14:48:03
23 MR. NOVIKOFF: You asked him and -- 14:48:08
24 never mind. 14:48:10
25 MR. GOODSTADT: He used a term. I 14:48:10
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1 G. Bosetti
2 want to know what his definition is. 14:48:11
3 A. Having a drink more than you should. 14:48:16
4 Q. Is there a certain number of drinks 14:48:18
5 that you consider yourself drunk at? 14:48:21
6 A. No. 14:48:23
7 Q. Is there any point in time where you 14:48:24
8 had a number of drinks that you consider 14:48:35
9 yourself drunk at? 14:48:37
10 MR. NOVIKOFF: Objection to the form. 14:48:37
11 A. No. 14:48:38
12 Q. You don't recall telling the person 14:48:39
13 who administered the polygraph the number of 14:48:46
14 drinks it took for you to get drunk? 14:48:48
15 A. No, sir, I don't remember. I don't 14:48:51
16 recall. 14:48:52
17 Q. Other than for yourself, have you 14:48:53
18 ever witnessed any other officers drinking while 14:49:10
19 on duty at Ocean Beach? 14:49:12
20 A. No, sir. 14:49:13
21 Q. Did you ever see George Hesse have an 14:49:16
22 alcoholic beverage in the police station? 14:49:29
23 A. No, sir. 14:49:31
24 Q. Did you ever see George Hesse have an 14:49:31
25 alcoholic beverage at any bar in Ocean Beach? 14:49:34
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1 G. Bosetti
2 A. No, sir. 14:49:36
3 Q. Did you ever drink in the police 14:49:37
4 truck, an alcoholic drink in the police truck? 14:49:41
5 A. No, sir. 14:49:44
6 Q. Did you ever witness your brother 14:49:45
7 have a drink in the police truck, alcoholic 14:49:47
8 drink? 14:49:50
9 A. No. 14:49:51
10 Q. Did you ever drink in the barracks? 14:49:51
11 A. Yes. 14:49:54
12 Q. How many times? 14:49:55
13 A. Oh, I don't recall. 14:49:56
14 Q. More than 10? 14:50:00
15 A. I don't recall. 14:50:01
16 Q. More than 20? 14:50:06
17 A. I don't recall. 14:50:07
18 Q. So you don't recall if it's more than 14:50:09
19 two? 14:50:11
20 A. Yeah, I had more than two. 14:50:18
21 Q. More than 30? 14:50:24
22 A. I don't recall how many times. 14:50:27
23 Q. How many times did you go out to the 14:50:29
24 bars after your tour ended? 14:50:31
25 A. That I don't know. 14:50:33
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1 G. Bosetti
2 Q. More than 10? 14:50:34
3 A. I don't know. 14:50:36
4 Q. More than 20? 14:50:36
5 A. I don't know. 14:50:37
6 Q. More than one? 14:50:40
7 A. Yes, more than one. 14:50:41
8 Q. How many nights a week after your 14:50:45
9 tour did you go out to the bar? 14:50:49
10 MR. NOVIKOFF: Objection. 14:50:53
11 Q. The bar in Ocean Beach. 14:50:54
12 MR. NOVIKOFF: Still objection. I 14:50:56
13 think he's answered it. 14:50:57
14 A. I don't know. Sometimes on our last 14:51:01
15 night we'd stop for a couple. That's it. 14:51:04
16 Q. What do you mean by "Sometimes on our 14:51:07
17 last night"? 14:51:09
18 A. Our last tour for the week. 14:51:10
19 Q. Were there specific days that you 14:51:12
20 worked? 14:51:15
21 A. Most times Wednesday, Thursday, 14:51:17
22 Fridays. 14:51:20
23 Q. So Wednesday afternoon till midnight, 14:51:21
24 Thursday afternoon to midnight, Friday afternoon 14:51:24
25 till midnight? 14:51:26
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1 G. Bosetti
2 A. I'm sorry. 14:51:28
3 Q. I just want to make sure I understand 14:51:29
4 what -- 14:51:32
5 A. Wednesday night, Thursday night, 14:51:32
6 Friday night. 14:51:34
7 Q. Okay. So your last tour for the week 14:51:34
8 generally you'd get off at midnight Friday 14:51:36
9 night -- 14:51:39
10 A. Yeah. 14:51:39
11 Q. -- going into Saturday morning. 14:51:39
12 And that's the day that you would go 14:51:41
13 out to the bars sometimes to have a few? 14:51:43
14 A. Yes. 14:51:45
15 Q. How many times did that happen? 14:51:46
16 A. I don't recall. 14:51:48
17 Q. Approximately how many? 14:51:51
18 A. I don't know. 14:51:53
19 Q. Were any of the plaintiffs ever 14:51:54
20 required to drive you back to the checkpoint 14:52:01
21 after you left the bars? 14:52:02
22 A. Required? 14:52:04
23 Q. Yes. 14:52:05
24 A. I don't think so. 14:52:07
25 Q. No? 14:52:08
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1 G. Bosetti
2 A. No. 14:52:08
3 Q. Did they ever do it? 14:52:09
4 A. Yes. 14:52:10
5 Q. How many times? 14:52:13
6 A. I don't know. 14:52:14
7 Q. More than 10? 14:52:18
8 A. I don't know. I don't think so. 14:52:19
9 Q. More than 20? 14:52:20
10 A. No. I don't know. 14:52:23
11 Q. Sometimes. Somewhere between 1 and 14:52:25
12 20? 14:52:29
13 MR. NOVIKOFF: Objection. 14:52:30
14 A. I don't know. 14:52:31
15 Q. Do you know who told them to drive 14:52:31
16 you out? 14:52:36
17 MR. NOVIKOFF: Objection. 14:52:39
18 A. No. 14:52:40
19 Q. When the plaintiffs drove you out, 14:52:40
20 were they on duty? 14:52:46
21 A. Yeah, sometimes. 14:52:53
22 Q. They ever drive you off when they 14:52:54
23 were not on duty? 14:52:57
24 A. I'd like to say yes. 14:52:58
25 Q. Do you recall any specific time? 14:53:01
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1 G. Bosetti
2 A. No, I don't recall. 14:53:03
3 Q. So any times you can recall they were 14:53:05
4 actually on duty, right? 14:53:06
5 A. Yes. 14:53:09
6 Q. How long did it take to get from the 14:53:09
7 village to the checkpoint? 14:53:13
8 A. About 10, 15 minutes. 14:53:18
9 Q. So round trip was somewhere between 14:53:20
10 20 and 30 minutes? 14:53:23
11 A. Yes. 14:53:24
12 Q. Did you ever hear that any of the 14:53:24
13 plaintiffs complained about having to drive you 14:53:27
14 to the checkpoint while they were on duty? 14:53:30
15 A. No. No, sir. 14:53:33
16 Q. I believe you testified that there 14:53:34
17 was an incident on Halloween of 2004; is that 14:53:47
18 correct? 14:53:47
19 A. Yes, sir. 14:53:51
20 Q. Okay. Did you work any tours during 14:53:51
21 the off-season in '04? 14:53:54
22 A. In the off-season? I'm sure I did. 14:53:56
23 Q. When I say off-season, after the 14:53:59
24 season I should say. 14:54:01
25 A. Excuse me. I'm sure I did. I can't 14:54:02
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1 G. Bosetti
2 give you specifics. Excuse me. 14:54:05
3 Q. Were you scheduled to work the 14:54:06
4 Halloween of '04 night? 14:54:10
5 Just so we're clear on the time 14:54:14
6 frame, the party or the night that you were at 14:54:15
7 the bar, that was actually the night of the 30th 14:54:20
8 going into the 31st, correct? 14:54:23
9 A. Okay. 14:54:27
10 Q. Just so we're clear. 14:54:29
11 A. I'm not sure but... 14:54:30
12 Q. Do you recall whether you were on the 14:54:32
13 schedule to work the day of that night when the 14:54:34
14 incident was? 14:54:39
15 A. No. 14:54:39
16 Q. Were you scheduled to work the day 14:54:40
17 after? 14:54:42
18 A. No. 14:54:42
19 Q. You were never on the schedule at all 14:54:43
20 to your recollection? 14:54:47
21 A. Yes. No. No, I was never on. 14:54:47
22 Q. And where did the incident take 14:54:50
23 place? 14:54:54
24 A. Houser's. Houser's bar. 14:54:56
25 Q. Had you been to Houser's bar prior to 14:54:58
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1 G. Bosetti
2 Halloween 2004? 14:55:01
3 A. Was I ever in there? 14:55:02
4 Q. Yes. 14:55:03
5 A. Yes. 14:55:03
6 Q. Did you ever drink in there prior to 14:55:04
7 Halloween 2004? 14:55:06
8 A. Yes. 14:55:07
9 Q. How many times? 14:55:07
10 A. I don't remember. I don't remember 14:55:08
11 how many times. 14:55:13
12 Q. Approximately? More than ten? 14:55:13
13 A. I don't know. I don't know. 14:55:17
14 Q. So just so I'm clear, you worked the 14:55:19
15 day before or the day after, right? You weren't 14:55:31
16 scheduled to work the day before or the day 14:55:34
17 after? 14:55:37
18 A. I wasn't -- 14:55:37
19 Q. The 30th or the 31st? You weren't 14:55:38
20 scheduled to work, right? 14:55:40
21 A. No. 14:55:41
22 Q. Okay. So you came to the island just 14:55:41
23 to go to the Halloween party? 14:55:44
24 A. Yes. 14:55:45
25 Q. What time did you arrive on the 14:55:47
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1 G. Bosetti
2 island that day, on the 30th? 14:55:49
3 A. Oh, boy. I don't know. I don't know 14:55:52
4 if we got there about 5:00. I'm really not 14:56:00
5 sure. 14:56:04
6 Q. How did you get there? 14:56:04
7 A. I know we drove to the checkpoint and 14:56:05
8 I don't know how we got into town. 14:56:15
9 Q. What are the possible ways to get to 14:56:18
10 the island from the checkpoint? 14:56:21
11 A. Driving. 14:56:23
12 Q. That's the only possible way? 14:56:25
13 A. From the checkpoint, yeah. 14:56:27
14 Oh, you can take the boat. I'm 14:56:29
15 sorry. But at that time of year I don't know if 14:56:31
16 the boat's running, the water taxis. 14:56:34
17 Q. Are you referring to the ferry when 14:56:37
18 you say "the boat"? 14:56:39
19 A. The water taxis. 14:56:39
20 Q. The water taxis? 14:56:41
21 A. Yes. 14:56:41
22 Q. So that day you don't recall how you 14:56:41
23 got to the island? 14:56:43
24 MR. NOVIKOFF: Objection. 14:56:44
25 A. No. 14:56:45
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1 G. Bosetti
2 Q. Who did you arrive at the island 14:56:45
3 with? 14:56:49
4 A. My brother and Elyse, Elyse Miller. 14:56:49
5 Q. And did you guys meet at the 14:56:58
6 checkpoint or were you together before going to 14:57:02
7 the checkpoint? 14:57:05
8 A. No, we were together before. 14:57:06
9 Q. For how long? 14:57:08
10 A. I guess an hour. 14:57:09
11 Q. What did you guys do before going to 14:57:14
12 the checkpoint? 14:57:17
13 A. Drive to the checkpoint. 14:57:18
14 Q. Did you guys have any drinks -- or 14:57:20
15 strike that. 14:57:22
16 Did you have any drinks? 14:57:23
17 A. No. 14:57:24
18 Q. Do you know whether your brother did? 14:57:24
19 A. I don't think he did. I don't 14:57:26
20 recall. Nobody was having any drinks. 14:57:28
21 Q. Do you recall if Elyse Miller had any 14:57:30
22 drinks before getting to the checkpoint? 14:57:32
23 A. No. 14:57:34
24 Q. You don't recall? 14:57:35
25 A. I don't believe she did. Nobody had 14:57:35
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1 G. Bosetti
2 anything. 14:57:37
3 Q. Where did you go before you got to 14:57:38
4 the island? 14:57:45
5 A. I don't know. I was staying at, I 14:57:48
6 think his name is Mike. He owned a pizzeria. I 14:57:54
7 was staying at his house for the night. 14:57:58
8 Q. Did you know Mike prior to Halloween 14:58:00
9 2004? 14:58:04
10 A. Yeah. 14:58:04
11 Q. When you say he owned a pizzeria, did 14:58:10
12 he own a pizzeria on the island or somewhere 14:58:13
13 else? 14:58:13
14 A. On the island. 14:58:15
15 Q. On the island? 14:58:15
16 Did you ever eat in his pizzeria? 14:58:16
17 A. Yeah. Once or twice. That's it. 14:58:18
18 Q. And did he give you permission to 14:58:20
19 stay at his house? 14:58:23
20 MR. NOVIKOFF: Objection. 14:58:24
21 A. Yeah. I don't know if it was 14:58:30
22 directly from him or people that were staying 14:58:32
23 there and they told me that I could stay there. 14:58:34
24 Q. Who was staying there? 14:58:36
25 A. Well, Elyse was staying there. 14:58:38
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1 G. Bosetti
2 Who else? I think Faz might have 14:58:41
3 been staying there. 14:58:45
4 Q. What was the name? Faz you said? 14:58:50
5 A. Yeah, Fazio. 14:58:52
6 Q. Was anyone else staying there? 14:58:55
7 A. Not that I can recall. 14:58:57
8 Q. Just so I'm clear you don't recall 14:58:59
9 whether Mike told you directly or one of the 14:59:02
10 other people told you that you could stay there? 14:59:05
11 MR. NOVIKOFF: Objection. 14:59:08
12 Q. Correct? 14:59:09
13 A. I don't recall. I don't know. 14:59:10
14 Q. Did you have any drinks prior to 14:59:17
15 arriving at Mike's house? 14:59:19
16 A. No. 14:59:20
17 Q. Did you have any drinks, when I say 14:59:20
18 "drinks," I mean alcoholic drinks, did you have 14:59:23
19 any alcoholic drinks at Mike's house? 14:59:25
20 A. No. 14:59:27
21 Q. Do you know whether your brother did? 14:59:27
22 A. I don't know. 14:59:29
23 Q. Do you know whether Elyse did? 14:59:31
24 A. I don't know. 14:59:32
25 Q. Was -- do you know who Matt Bellows 14:59:33
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1 G. Bosetti
2 is? 14:59:40
3 A. Matt? 14:59:41
4 Q. Bellows. He's The Plumber? 14:59:42
5 A. The Plumber, yes. 14:59:44
6 Q. Was he there? 14:59:46
7 A. I believe he was, yes. 14:59:46
8 Q. Do you know whether he was drinking 14:59:49
9 at Mike's house? 14:59:50
10 A. I don't know. 14:59:55
11 Q. Your testimony is you don't recall if 14:59:56
12 anyone was drinking at Mike's house? 14:59:58
13 MR. NOVIKOFF: Objection. 15:00:00
14 A. No. Not when I got there. I don't 15:00:01
15 remember anybody drinking. 15:00:04
16 Q. How about at any point in time while 15:00:05
17 you were at Mike's house prior to going out? 15:00:07
18 A. No. 15:00:10
19 Q. I'm just asking -- 15:00:10
20 A. I'm sorry. No. 15:00:12
21 Q. Did you have any drinks at Mike's 15:00:12
22 house prior to going out that night? 15:00:14
23 A. No. 15:00:15
24 Q. Do you recall seeing anyone else 15:00:17
25 drinking at Mike's house prior to going out? 15:00:19
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1 G. Bosetti
2 A. No, I don't. 15:00:20
3 Q. How long were you at his house for 15:00:21
4 prior to going out? 15:00:29
5 A. I don't know. Maybe a half hour. 15:00:30
6 Q. Do you recall what time you arrived 15:00:37
7 at his house? 15:00:40
8 I know you testified you think you 15:00:41
9 arrived at the beach at five. 15:00:42
10 A. Yeah, the time, I really don't know 15:00:44
11 the times, any of the times. 15:00:46
12 Q. Where did you go from Mike's house? 15:00:48
13 A. Geez, I don't recall. 15:00:52
14 Q. Did you go straight from Mike's house 15:00:59
15 to Houser's? 15:01:03
16 A. No, no. There was a time we stopped 15:01:04
17 off at, at -- geez, I forget. They were having 15:01:06
18 a party. 15:01:12
19 Q. Who was having a party? 15:01:13
20 A. I can't think of their names. There 15:01:15
21 was a local party. We stopped in to say hello 15:01:17
22 to everybody. 15:01:20
23 Q. Were you invited to that party? You 15:01:21
24 were invited to that party? 15:01:23
25 A. Yes. 15:01:24
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1 G. Bosetti
2 Q. And was that a residence house? 15:01:25
3 A. Yes. 15:01:26
4 Q. What street was that party on? 15:01:28
5 A. Was it Evergreen? 15:01:30
6 Q. Evergreen? 15:01:32
7 You don't know who the resident was 15:01:33
8 who was hosting that party? 15:01:37
9 A. No, I forget their names. 15:01:38
10 Q. How many people were there? 15:01:40
11 A. About quite a few. 15:01:40
12 Q. Approximately how many? 15:01:44
13 A. Twenty, thirty. 15:01:45
14 Q. Who did you go there with? 15:01:50
15 A. Elyse and my brother. 15:01:53
16 Q. Did Bellows go with you? 15:01:55
17 A. No. 15:01:59
18 Q. How about Mr. Fazio; did he go with 15:02:00
19 you? 15:02:02
20 A. No. 15:02:02
21 Q. Were you wearing a costume that 15:02:03
22 night? 15:02:05
23 A. I'm sorry? 15:02:05
24 Q. Were you wearing a costume that 15:02:06
25 night? 15:02:07

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1 G. Bosetti
2 A. No, sir. 15:02:08
3 Q. Was Elyse Miller wearing a costume 15:02:08
4 that night? 15:02:11
5 A. I don't think so. 15:02:11
6 Q. Do you know who Douglas Wykoff is. 15:02:14
7 A. Yes. 15:02:19
8 Q. Was he at the local party? 15:02:20
9 MR. NOVIKOFF: Which -- okay. I know 15:02:22
10 which one you're talking about. 15:02:24
11 A. No. 15:02:26
12 Q. Do you know who Sean O'Hare is? 15:02:27
13 A. I don't remember. 15:02:29
14 Yes, Sean? 15:02:29
15 Q. Yes, Sean O'Hare, do you know who 15:02:32
16 that is? 15:02:33
17 A. Was he at the party? 15:02:33
18 Q. The question is do you know who Sean 15:02:36
19 O'Hare is. 15:02:38
20 All right. I said Sean O'Hare. I 15:02:47
21 meant Sean O'Rourke. 15:02:49
22 A. O'Rourke. 15:02:49
23 Q. Yes. 15:02:49
24 Do you know who Sean O'Rourke is? 15:03:00
25 A. Yes. 15:03:01

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1 G. Bosetti
2 Q. Who's Sean O'Rourke? 15:03:02
3 A. He's a local. 15:03:03
4 Q. Do you know whether he was at the 15:03:05
5 locals party? 15:03:08
6 A. No, I don't think so. 15:03:08
7 Q. Do you know who Mitch Burns is? 15:03:10
8 A. Yes. 15:03:12
9 Q. Who is Mitch Burns? 15:03:13
10 A. He's a resident of Ocean Beach. 15:03:14
11 Q. Was he at that locals party? 15:03:16
12 A. No. 15:03:18
13 Q. Do you know who Jeanne Jaeger is? 15:03:19
14 A. Yes. 15:03:24
15 Q. Who's Jeanne Jaeger? 15:03:25
16 A. Jeanne Jaeger? 15:03:26
17 Q. Yes. 15:03:27
18 A. She owns -- she runs the movie 15:03:28
19 theater. Well, her late husband Buddy. 15:03:34
20 Q. Did you know Jeanne Jaeger prior to 15:03:38
21 Halloween 2004? 15:03:42
22 A. Yes. 15:03:43
23 Q. Was she at the locals party? 15:03:45
24 A. No. 15:03:46
25 Q. Do you know who Ian Levine is? 15:03:47

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1 G. Bosetti
2 A. Yes. 15:03:50
3 Q. Who is Ian Levine? 15:03:50
4 A. He's a resident of Ocean Beach. 15:03:53
5 Q. Did you know him prior to Halloween 15:03:54
6 of '04? 15:03:56
7 A. Yes. 15:03:57
8 Q. Does he own a business on Ocean 15:03:59
9 Beach? 15:04:00
10 A. Yes. 15:04:00
11 Q. What is his business? 15:04:02
12 A. He owns a bed and breakfast. 15:04:03
13 Q. Was he at the local party? 15:04:09
14 A. No, I don't think so. 15:04:11
15 Q. How long were you at the locals party 15:04:12
16 for? 15:04:16
17 A. I don't know. I can't tell you. 15:04:16
18 Q. Do you have an approximate time? 15:04:22
19 Did you have any drinks at the locals 15:04:29
20 party? 15:04:30
21 A. I had one beer. 15:04:31
22 Q. Do you know whether your brother had 15:04:33
23 any drinks at the local party? 15:04:37
24 A. I don't know. 15:04:37
25 Q. Do you know whether Elyse Miller had 15:04:37

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1 G. Bosetti
2 any drinks at the locals party? 15:04:40
3 A. I don't know. 15:04:40
4 Q. Where did you go after the locals 15:04:45
5 party? 15:04:51
6 A. I don't recall. 15:04:55
7 Q. Did you go anywhere between the 15:04:58
8 locals party and Houser's? 15:05:00
9 A. I don't recall. I really don't know. 15:05:05
10 Q. Where is Houser's located? 15:05:08
11 A. It's on Bayview at the east end of 15:05:13
12 town. 15:05:18
13 Q. How far is that from where you were 15:05:20
14 at the locals party? 15:05:24
15 A. Maybe 100 yards. 15:05:27
16 Q. So is Houser's on the corner of 15:05:37
17 Bayview and Evergreen? 15:05:39
18 A. Yeah, if I got my streets right. 15:05:42
19 Q. Okay. So -- 15:05:42
20 A. Approximately over there. 15:05:46
21 Q. -- is it the same street that the 15:05:47
22 locals party was on, that Houser's is at the 15:05:49
23 corner? 15:05:52
24 A. It's up the block. 15:05:52
25 Q. What time did you arrive at Houser's? 15:06:00
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1 G. Bosetti
2 A. I don't know what time I arrived. 15:06:03
3 Q. Do you recall approximately what time 15:06:09
4 you arrived at Houser's? 15:06:11
5 A. No. 15:06:12
6 Q. How many hours after you'd been on 15:06:13
7 the island did you arrive at Houser's? 15:06:15
8 A. I don't recall. 15:06:17
9 Q. Do you recall approximately how many 15:06:18
10 hours it was? 15:06:20
11 A. No. 15:06:22
12 Q. Can you think of anything that would 15:06:23
13 refresh your recollection? Did you make any 15:06:26
14 phone calls on your way there that you can check 15:06:27
15 your phone records? 15:06:28
16 A. No, I don't really recall. 15:06:30
17 Q. Did you have a cell phone with you 15:06:32
18 that night? 15:06:34
19 A. Probably. 15:06:34
20 Q. You don't recall one way or the other 15:06:37
21 whether you made any calls on the way there? 15:06:40
22 A. No. 15:06:41
23 Q. Who did you go to Houser's with? 15:06:42
24 A. Probably Elyse and my brother. 15:06:47
25 Q. Anyone else? 15:06:55
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1 G. Bosetti
2 A. Not that I can recall. 15:06:57
3 Q. How many people were there when you 15:06:58
4 got there, at Houser's? 15:07:04
5 A. I don't know. It was crowded. 15:07:06
6 Q. Approximately how many people means 15:07:13
7 crowded? 15:07:15
8 A. I don't know. 15:07:15
9 Q. Over 100? 15:07:17
10 A. I don't think so. 15:07:19
11 Q. Over 50? 15:07:21
12 A. Approximately. 15:07:22
13 Q. Was Matt Bellows at the bar that 15:07:25
14 night? 15:07:28
15 A. I don't think so. I don't know. 15:07:29
16 Q. Was Mitch Burns at the bar that 15:07:35
17 night? 15:07:37
18 A. I don't think so. 15:07:37
19 Q. Vinnie Fazio go to the bar that 15:07:39
20 night? 15:07:45
21 A. I don't think so. I don't remember 15:07:46
22 seeing him, no. 15:07:48
23 Q. Other than for the one beer that you 15:07:49
24 had at the locals party, did you drink any 15:07:57
25 alcohol prior to going to the bar that night? 15:07:59
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1 G. Bosetti
2 A. Prior to going to the bar? 15:08:01
3 Q. Yeah. Well, you had testified you 15:08:04
4 didn't know where you went after the local's 15:08:06
5 house. 15:08:08
6 A. Right. 15:08:08
7 Q. So the question is, you testified to 15:08:08
8 one beer that you've had. 15:08:09
9 Did you have any other alcoholic 15:08:11
10 beverages prior to going to the bar that night? 15:08:12
11 A. Probably not. I wasn't really in the 15:08:15
12 mood to drink that night. 15:08:22
13 Q. So when you say "probably not," 15:08:24
14 you're not sure one way or the other? 15:08:26
15 A. No. Like I said, probably not. 15:08:27
16 Q. Were you planning to meet anyone at 15:08:30
17 Houser's that night? 15:08:37
18 A. No. 15:08:37
19 Q. How many drinks did you have at 15:08:38
20 Houser's that night? 15:08:43
21 A. One, two maybe. 15:08:44
22 Q. What did you drink? 15:08:51
23 A. Beer. 15:08:52
24 Q. Did you pay by cash or credit card? 15:08:53
25 A. Cash. 15:08:59
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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 15:09:00
3 Q. Do you know whether Elyse Miller was 15:09:05
4 drinking that night? 15:09:08
5 A. I'm sorry? 15:09:09
6 Q. Do you know if Elyse Miller was 15:09:10
7 drinking that night? 15:09:11
8 A. I don't know. 15:09:12
9 Q. Did you buy her any drinks? 15:09:13
10 A. I don't know. 15:09:17
11 Q. Did you see whether she drank at all? 15:09:21
12 Did you witness her taking a sip of any drink? 15:09:23
13 A. I'm sure she had a drink. I don't 15:09:26
14 know what she was drinking, when she was 15:09:30
15 drinking. 15:09:32
16 MR. FEHRINGER: Don't guess. Only if 15:09:33
17 you recall. 15:09:34
18 A. No, I don't recall. 15:09:35
19 Q. You don't know one way or the other? 15:09:36
20 Was your brother drinking that night? 15:09:38
21 A. I believe yeah, he had a beer. A 15:09:43
22 couple. A beer or two. I don't know. I wasn't 15:09:47
23 watching him. 15:09:50
24 Q. Did you ever speak to him subsequent 15:09:50
25 to that to find out how many drinks he had that 15:09:53
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1 G. Bosetti
2 night? 15:09:55
3 MR. NOVIKOFF: That night or after 15:09:56
4 that night? 15:09:57
5 MR. GOODSTADT: At any point 15:09:59
6 subsequent to that night. 15:09:59
7 MR. NOVIKOFF: Got it. 15:10:01
8 MR. GOODSTADT: Did he ever speak to 15:10:02
9 his brother to find out how many drinks he 15:10:03
10 had on that night. 15:10:05
11 A. No. 15:10:06
12 MR. NOVIKOFF: Objection to form. 15:10:06
13 Q. So there was an altercation that 15:10:08
14 night, correct? 15:10:13
15 A. Yes, sir. 15:10:14
16 Q. What time did the altercation happen? 15:10:14
17 A. I guess it was approximately 3:00. 15:10:17
18 Q. Three o'clock in the morning? 15:10:22
19 A. Yes. 15:10:24
20 Q. How long had you been at the bar 15:10:25
21 prior to the altercation? 15:10:26
22 A. I think I just walked in there maybe 15:10:28
23 a half hour ago. 15:10:36
24 Q. So just so I'm clear, you had gotten 15:10:39
25 to Houser's at approximately 2:30? 15:10:44
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1 G. Bosetti
2 A. No, sir. I got there earlier. I 15:10:46
3 left. 15:10:49
4 Q. Okay. So you went to Houser's and 15:10:52
5 then you left at some point? 15:10:54
6 A. Yes. 15:10:57
7 Q. Okay. 15:10:57
8 A. Then I went back. 15:10:57
9 Q. So let's -- and I didn't know that 15:10:59
10 fact so let's go back to, so you went to 15:10:59
11 Houser's. 15:11:02
12 How long were you there before 15:11:02
13 leaving the first time? 15:11:03
14 A. I don't recall. 15:11:06
15 Q. Approximately? 15:11:08
16 A. I really don't know. I was -- I said 15:11:11
17 I wasn't, I wasn't feeling too good that night 15:11:14
18 so I was just in and out. I wasn't really in 15:11:14
19 the mood. 15:11:20
20 Q. What do you mean you weren't feeling 15:11:22
21 good? What was wrong? 15:11:24
22 A. I just wasn't in the mood to drink. 15:11:25
23 you know. 15:11:27
24 Q. Did you have any medical ailments 15:11:27
25 that you didn't feel good about? 15:11:30
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1 G. Bosetti
2 A. No, no. Just probably stomach or 15:11:31
3 something upset. I don't know. 15:11:35
4 Q. When you left, where did you go? 15:11:39
5 A. I went for a walk. I stopped into 15:11:41
6 CJ's to, I don't know who was bartending to talk 15:11:51
7 to. I think Jackie was bartending, just to talk 15:11:52
8 to her for a while. 15:11:54
9 Q. How long were you gone for? 15:11:58
10 A. I don't know. I really don't know 15:12:01
11 the times. 15:12:01
12 Q. Who did you leave with? 15:12:06
13 A. Myself. 15:12:07
14 Q. So at some point you left, you went 15:12:09
15 to CJ's. 15:12:16
16 Did you have any drinks at CJ's? 15:12:16
17 A. No. 15:12:17
18 Q. Did you go anywhere else other than 15:12:18
19 for CJ's? 15:12:20
20 A. No, sir. 15:12:20
21 Q. You don't recall how long you were at 15:12:22
22 CJ's for? 15:12:24
23 A. No. 15:12:24
24 Q. Did you go directly back to the bar 15:12:25
25 from CJ's, back to Houser's from CJ's? 15:12:27
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1 G. Bosetti
2 A. Probably. 15:12:31
3 Q. You don't recall though? 15:12:33
4 A. No. 15:12:34
5 Q. Did you have any drinks after you 15:12:34
6 came back to Houser's? 15:12:37
7 A. I might have been having a beer at 15:12:39
8 the time. I'm not sure. 15:12:45
9 Q. So you got back there at about 2:30 15:12:47
10 and you think you might have had a beer? 15:12:50
11 A. Yeah. 15:12:51
12 Q. Did you stop by the station at all, 15:12:58
13 the police station at all, prior to 2:30? 15:13:00
14 A. You know, I can't remember. 15:13:04
15 Q. Do you recall stopping by with your 15:13:10
16 brother and Elyse Miller at some point earlier 15:13:12
17 in the night? 15:13:14
18 A. No, I don't. 15:13:14
19 Q. So you're back there at 2:30, this 15:13:16
20 fight or altercation happens at 3:00. 15:13:20
21 Where were you at that time? 15:13:23
22 A. At the time it broke out? 15:13:24
23 Q. Yes. 15:13:25
24 A. I was on the east end of the bar. 15:13:27
25 (Plaintiffs' Exhibit G. Bosetti 10, 15:13:46
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1 G. Bosetti
2 Photograph of Houser's dated 2/10/09, 15:13:46
3 marked for identification, as of this 15:13:46
4 date.) 15:13:46
5 MR. GOODSTADT: I've placed in front 15:14:04
6 of Mr. Bosetti what's been marked as 15:14:05
7 G. Bosetti-10. It is a one-page exhibit 15:14:06
8 bearing a photograph on it. It has a date 15:14:10
9 on the bottom of 2/10/09. 15:14:13
10 BY MR. GOODSTADT: 15:14:17
11 Q. Mr. Bosetti, do you recognize what's 15:14:17
12 in this photograph? 15:14:19
13 A. Yes. 15:14:19
14 Q. Is this Houser's? 15:14:22
15 A. Yes. 15:14:23
16 Q. Okay. Now where did the altercation 15:14:24
17 happen in connection with this picture? 15:14:28
18 If you want, you can -- why don't you 15:14:31
19 mark it with this red pen. If it's visible in 15:14:34
20 this picture. 15:14:39
21 (Document review.) 15:14:40
22 A. Well, no, not where he grabbed 15:14:41
23 Jeanne. 15:14:45
24 Q. Why don't you put a mark in relation 15:14:45
25 to the picture where he grabbed Jeanne or would 15:14:47
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1 G. Bosetti
2 have grabbed Jeanne. 15:14:51
3 A. Back here (indicating). You can't 15:14:52
4 see it. 15:14:53
5 MR. NOVIKOFF: Can I see where just 15:14:54
6 so I have an idea? 15:14:59
7 (Handing.) 15:15:01
8 MR. NOVIKOFF: It looks like the 15:15:02
9 arrow appears to be behind the guy with the 15:15:02
10 big Afro but I'll let you inquire. 15:15:05
11 BY MR. GOODSTADT: 15:15:11
12 Q. What's back there? 15:15:12
13 A. You have two bathrooms. 15:15:14
14 Q. And where were you standing in 15:15:16
15 relation to the two bathrooms when you first 15:15:19
16 heard an altercation? 15:15:22
17 A. Basically behind the guy with the big 15:15:23
18 Afro. 15:15:28
19 Q. So could you see into the section of 15:15:30
20 the bathroom when you first heard it? 15:15:33
21 A. I couldn't see into the bathroom but 15:15:34
22 into the hallway. 15:15:36
23 Q. You could see into the hallway? 15:15:37
24 A. Yes. 15:15:39
25 Q. Is that where the altercation 15:15:39
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1 G. Bosetti
2 happened? 15:15:40
3 A. Yes. 15:15:40
4 Q. Okay. Who was with you at the time? 15:15:41
5 A. Who was with me? 15:15:42
6 Q. Yes. 15:15:42
7 A. I was standing there by myself I 15:15:46
8 think. 15:15:48
9 Q. Do you recall who else was around you 15:15:49
10 at the time? 15:15:50
11 A. I know Jeanne was on line to get into 15:15:51
12 the bathroom. I think Elyse was there with her. 15:15:58
13 I don't know who else was around. 15:16:00
14 Q. So you don't recall any other people 15:16:03
15 who were around? 15:16:04
16 A. No, sir. 15:16:05
17 Q. Where did you -- well, strike that. 15:16:06
18 Was anyone playing pool at the time? 15:16:16
19 A. Oh, I don't know. 15:16:18
20 Q. How many people were in the bar at 15:16:20
21 that time? 15:16:22
22 A. I don't know. 15:16:22
23 Q. Approximately how many? 15:16:27
24 A. I don't know. 15:16:28
25 Q. More than 50? 15:16:29
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1 G. Bosetti
2 A. I don't know. I really can't take a 15:16:30
3 guess at it. I don't know. 15:16:36
4 Q. Well, before you estimated about 50 15:16:37
5 people were there when you got there. 15:16:39
6 Were there more or less people at 15:16:40
7 3:00 in the morning or at the time that you got 15:16:42
8 there? 15:16:45
9 A. I guess approximately the same. 15:16:46
10 Q. And what did you do when you first 15:16:57
11 heard the commotion? 15:16:59
12 A. When I first heard the commotion? 15:17:03
13 Q. Yes. 15:17:03
14 A. I looked up. I looked back. 15:17:06
15 Q. What did you see? 15:17:08
16 A. I see this guy grab Jeanne by the 15:17:11
17 throat and pin her against the wall. 15:17:14
18 Q. Two hands against her throat or one? 15:17:19
19 A. From where I was standing, it 15:17:25
20 appeared to be one hand. He just grabbed her 15:17:27
21 with one hand and pushed her against the wall. 15:17:28
22 Q. You actually saw him push her against 15:17:30
23 the wall or was she already pinned against the 15:17:31
24 wall when you first saw her? 15:17:33
25 A. No, I seen him push her against the 15:17:34
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1 G. Bosetti
2 wall. 15:17:37
3 Q. How long did it take from the time 15:17:38
4 you saw him grab her by the throat to the time 15:17:40
5 he pushed her against the wall? 15:17:42
6 MR. NOVIKOFF: Objection. 15:17:46
7 A. It was immediate. 15:17:47
8 Q. What did you do when you saw that? 15:17:51
9 A. I think I did what anybody else would 15:17:55
10 do. I grabbed him by the shoulders and I pulled 15:18:00
11 him down to the floor. 15:18:03
12 Q. Who else was over by the bathroom 15:18:05
13 other than for Jeanne, Elyse and the guy who 15:18:10
14 grabbed Jeanne by the throat? 15:18:12
15 A. I don't know. 15:18:13
16 Q. Was the guy who grabbed her by the 15:18:14
17 throat wearing a costume? 15:18:19
18 A. I think so. I think he was wearing a 15:18:20
19 jumpsuit of some kind. I'm not sure about that 15:18:24
20 either. 15:18:27
21 Q. What color was it? 15:18:28
22 A. It might have been orange. 15:18:28
23 Q. But you don't recall one way or the 15:18:30
24 other? 15:18:31
25 A. No. 15:18:31
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1 G. Bosetti
2 Q. Was Jeanne Jaeger wearing a costume? 15:18:31
3 A. I don't know. 15:18:34
4 Q. Did you recognize it as Jeanne who 15:18:35
5 was being grabbed by the throat? 15:18:37
6 A. Yes, sir. 15:18:39
7 Q. Was Bud Jaeger over there? 15:18:40
8 A. Bud? 15:18:46
9 Q. Yeah. Do you know who Bud Jaeger is? 15:18:47
10 A. That's her husband. 15:18:49
11 Q. Right. 15:18:50
12 Was he in that area? 15:18:51
13 A. No. 15:18:52
14 Q. Was Doug Wykoff in that area? 15:18:52
15 A. Not that I know of. 15:18:58
16 Q. Sean O'Rourke in that area? 15:19:00
17 A. I don't know. I mean in that area, 15:19:02
18 excuse me, you gotta understand it happened back 15:19:10
19 here (indicating). 15:19:14
20 Q. Right. 15:19:14
21 A. So if they were over here 15:19:14
22 (indicating), I don't know if that means is this 15:19:16
23 the area? They might have been over here but it 15:19:18
24 happened back there (indicating). 15:19:20
25 Q. Well, standing in the area that you 15:19:21
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1 G. Bosetti
2 circled, which is somewhere around the pool 15:19:24
3 table, could you see the, quote, unquote, back 15:19:25
4 there area? 15:19:29
5 MR. NOVIKOFF: Objection. 15:19:29
6 A. I don't -- depending on where they're 15:19:31
7 standing. I don't know. 15:19:34
8 Q. So you grabbed the person who is 15:19:38
9 purportedly choking Jeanne Jaeger by the 15:19:43
10 shoulders? 15:19:46
11 A. He was choking Jeanne Jaeger, yes. 15:19:46
12 Q. Right. I'm not asking that. 15:19:48
13 And you grabbed him by the shoulders? 15:19:49
14 A. Yes, pretty much and -- 15:19:51
15 Q. Threw him down? 15:19:51
16 Where in the picture did you throw 15:19:54
17 him down? 15:19:56
18 A. Again, behind the guy with the Afro. 15:19:56
19 Q. How far away from that -- how far 15:19:59
20 away from the pool table is that? 15:20:01
21 A. Oh, I don't know. It's a small area. 15:20:03
22 A very tight area. 15:20:11
23 Q. In your mind as a police officer for 15:20:13
24 23 years at the time, was the person wearing the 15:20:18
25 orange jumpsuit committing any crimes against 15:20:23
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1 G. Bosetti
2 Jeanne Jaeger? 15:20:26
3 A. Yeah, absolutely. 15:20:27
4 Q. What was the crime? 15:20:28
5 A. He attacked her. 15:20:29
6 Q. What crime was he committing against 15:20:30
7 Jeanne Jaeger? 15:20:33
8 A. Assault. 15:20:34
9 Q. And did you identify yourself as a 15:20:35
10 police officer? 15:20:37
11 MR. NOVIKOFF: Objection. 15:20:37
12 A. I identified myself as a police 15:20:41
13 officer immediately after I grabbed him off her 15:20:45
14 and threw him down. 15:20:48
15 Q. What did you do to identify yourself 15:20:49
16 as a police officer? 15:20:51
17 A. I told him I'm a police officer, I'm 15:20:52
18 a cop, and I also had a shield hanging around my 15:20:54
19 neck. 15:20:57
20 Q. So you showed him your shield and 15:20:57
21 told him you were a cop? 15:20:59
22 A. He was face down. I told him I was a 15:21:00
23 cop. 15:21:02
24 Q. So you were the first officer at the 15:21:03
25 scene? 15:21:06

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1 G. Bosetti
2 MR. NOVIKOFF: Objection. 15:21:06
3 Q. Do you understand when I say -- what 15:21:06
4 I mean when I say "first officer on the scene"? 15:21:08
5 You ever heard that phrase? 15:21:11
6 MR. NOVIKOFF: Objection. 15:21:13
7 A. No. Rephrase that, please. 15:21:13
8 Q. Do you know what I'm saying when I 15:21:14
9 say "first officer at the scene"? 15:21:18
10 MR. NOVIKOFF: Objection. 15:21:21
11 A. I asked you to rephrase it. 15:21:21
12 Q. You saw what you thought was a crime, 15:21:23
13 correct? 15:21:25
14 A. No. I saw what was a crime, yes. 15:21:25
15 Q. Right. So you saw what was a crime, 15:21:28
16 correct? 15:21:30
17 A. Correct. 15:21:30
18 Q. And you were the first person who 15:21:30
19 took police action at that scene, correct? 15:21:35
20 MR. NOVIKOFF: Objection. 15:21:38
21 A. Yeah, I took action. 15:21:40
22 Q. You're the first person to identify 15:21:43
23 yourself as a police officer at the scene, 15:21:45
24 right? 15:21:45
25 A. Yes. 15:21:45

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1 G. Bosetti
2 Q. And what you were doing, you did in 15:21:47
3 your capacity as a police officer, correct? 15:21:49
4 MR. NOVIKOFF: Objection. Form. 15:21:51
5 A. What I did? I did the right -- I did 15:21:53
6 what you would do. 15:21:56
7 Q. I wouldn't identify myself as a 15:21:57
8 police officer and show a shield because I'm not 15:21:59
9 a police officer and I don't have a shield. 15:22:01
10 A. No, but you -- 15:22:01
11 Q. So I wouldn't do that. 15:22:02
12 A. But you would help the woman out. 15:22:06
13 MR. NOVIKOFF: Are you testifying, 15:22:03
14 Andrew? 15:22:05
15 A. You would help the woman out, 15:22:06
16 absolutely. 15:22:07
17 Q. Right, but -- 15:22:07
18 A. I'd like to think so. 15:22:08
19 Q. But then you identified yourself as a 15:22:09
20 police officer. 15:22:11
21 A. Yes, sir. 15:22:11
22 Q. Right. 15:22:12
23 So you didn't view yourself as the 15:22:12
24 first officer at that crime scene? 15:22:15
25 MR. NOVIKOFF: Objection. 15:22:18

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1 G. Bosetti
2 A. I still don't understand your 15:22:21
3 question. 15:22:24
4 Q. Well, did any other police -- 15:22:25
5 A. I was -- yes, I was the one who took 15:22:26
6 action. 15:22:30
7 Q. Were there any other police officers 15:22:30
8 who were at the scene before you went there and 15:22:32
9 identified yourself as a police officer? 15:22:34
10 MR. NOVIKOFF: Objection. 15:22:35
11 A. No. 15:22:36
12 Q. Was the assault that you witnessed, 15:22:38
13 was that a misdemeanor or a felony? 15:22:40
14 MR. NOVIKOFF: Objection. 15:22:42
15 A. It was a felony. 15:22:43
16 Q. What level felony? 15:22:44
17 MR. NOVIKOFF: Objection. 15:22:47
18 A. I don't recall. 15:22:47
19 Q. Was your brother at the scene? 15:22:53
20 MR. NOVIKOFF: Objection as to the 15:22:56
21 term "scene." 15:22:57
22 A. Not... 15:22:57
23 MR. GOODSTADT: At the crime scene. 15:22:59
24 He's testified to a scene that he thought 15:23:00
25 was a crime scene. 15:23:01

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1 G. Bosetti
2 MR. NOVIKOFF: Is the crime scene the 15:23:02
3 little area? Is the crime scene the bar? 15:23:03
4 You tell me and then I'll withdraw my 15:23:04
5 objection. 15:23:07
6 BY MR. GOODSTADT: 15:23:08
7 Q. In the area that the assault 15:23:08
8 happened, or where you threw the 15:23:12
9 gentleman down -- 15:23:12
10 A. No. 15:23:12
11 Q. -- on the floor? 15:23:15
12 MR. NOVIKOFF: Objection. Wait until 15:23:15
13 he finishes. 15:23:18
14 THE WITNESS: Okay. I'm sorry. 15:23:21
15 Q. Were you carrying your firearm that 15:23:23
16 night? 15:23:25
17 A. No, sir. 15:23:25
18 Q. You threw him down to the floor, 15:23:26
19 identified yourself as a police officer. 15:23:30
20 What else did you do, if anything, at 15:23:32
21 that time? 15:23:36
22 A. Nothing. 15:23:38
23 Q. Did you restrain him in any way? 15:23:39
24 A. No. I didn't have a chance to do 15:23:40
25 anything, all right? 15:23:42
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1 G. Bosetti
2 Q. Well, just so I'm clear, he was face 15:23:45
3 down. 15:23:47
4 Were you holding him down? 15:23:48
5 A. Yes. I had him by the shoulders. I 15:23:49
6 was holding him down. 15:23:52
7 Q. So you were restraining him by the 15:23:53
8 shoulders holding him down. 15:23:54
9 A. Right. I was holding him down and 15:23:55
10 immediately his friend ran over to me and said, 15:23:58
11 "What the fuck are you doing?" 15:24:03
12 I said, "Get out of here. I'm a 15:24:05
13 cop," all right? 15:24:07
14 He said, "I don't give a fuck who you 15:24:09
15 are" and he kicked me in the face. 15:24:11
16 Q. Did you grab -- well, who was the guy 15:24:15
17 who you had face down holding down by the 15:24:17
18 shoulders? 15:24:21
19 A. I believe that was Van Koot. 15:24:21
20 Q. Did you grab Van Koot by the neck at 15:24:23
21 all? 15:24:26
22 A. No. 15:24:26
23 Q. Did you strike Van Koot with your 15:24:26
24 fist at all? 15:24:28
25 A. No. Not at that time anyway. 15:24:29
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1 G. Bosetti
2 Q. At any point in time did you grab Van 15:24:36
3 Koot by the neck? 15:24:38
4 MR. NOVIKOFF: Yeah, I was confused 15:24:40
5 by the time. 15:24:42
6 A. There was a time when after he held 15:24:42
7 my legs and I couldn't get up, I had to fight 15:24:45
8 with him to get up and get released so I can get 15:24:48
9 up. 15:24:48
10 Q. Did you grab him by the neck at all? 15:24:51
11 A. No. 15:24:54
12 Q. You don't recall choking him? 15:24:55
13 A. No. 15:24:56
14 Q. Did he lose consciousness at any 15:24:57
15 time? 15:25:00
16 MR. NOVIKOFF: What was that? 15:25:00
17 MR. GOODSTADT: Did he lose 15:25:01
18 consciousness at any time. 15:25:02
19 A. No, not that I know of. 15:25:02
20 Q. Did you place him under arrest for 15:25:04
21 assault? 15:25:07
22 A. I didn't have a chance. 15:25:09
23 Q. So at the time that you had him down, 15:25:10
24 you didn't tell him he was under arrest? 15:25:13
25 MR. NOVIKOFF: Objection. 15:25:15
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1 G. Bosetti
2 Q. You didn't read him his Miranda 15:25:16
3 rights? 15:25:19
4 A. I ordered a cup of coffee, yeah. 15:25:21
5 As soon as he went down, his friend 15:25:24
6 ran over to me. 15:25:27
7 There was no time when something like 15:25:28
8 that happens. I mean you got this guy coming at 15:25:32
9 you and tells you "I don't give a fuck if you're 15:25:35
10 a cop" and kicks you in the face, I was scared 15:25:37
11 shit. I was scared for my life at that point. 15:25:40
12 Q. Where were you when he kicked you in 15:25:43
13 the face? 15:25:45
14 A. I was down on one knee with Van Koot. 15:25:46
15 Q. Where on your face did he make 15:25:51
16 contact? 15:25:54
17 A. I'm sorry? 15:25:54
18 Q. What side of your face did he make 15:25:54
19 contact? 15:25:57
20 A. What? I don't understand. 15:25:57
21 MR. NOVIKOFF: Objection to the 15:25:57
22 question. 15:25:58
23 Q. You said he kicked you in the face, 15:25:58
24 right? 15:25:58
25 A. Yes. 15:26:00
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<p>Contains Confidential Portions</p> <p>Page 286</p> <p>1 G. Bosetti</p> <p>2 Q. What side of your face did he kick? 15:26:00</p> <p>3 A. I put my arm up, just kind of it got 15:26:03</p> <p>4 my arm because I sprained my wrist and it hit me 15:26:07</p> <p>5 into the head so... 15:26:12</p> <p>6 Q. Your arm hit your head or his foot 15:26:12</p> <p>7 hit your head? 15:26:14</p> <p>8 A. Both. 15:26:15</p> <p>9 MR. NOVIKOFF: Sounds like 15:26:19</p> <p>10 Mr. Goodstadt's never been kicked in the 15:26:19</p> <p>11 head before. 15:26:22</p> <p>12 MR. GOODSTADT: Fortunately I don't 15:26:24</p> <p>13 myself in those situations. 15:26:26</p> <p>14 MR. NOVIKOFF: I guess you've never 15:26:26</p> <p>15 gone to the aid of somebody. 15:26:27</p> <p>16 BY MR. GOODSTADT: 15:26:32</p> <p>17 Q. So who was the guy that came over and 15:26:33</p> <p>18 kicked you in the face? 15:26:35</p> <p>19 A. Shalik I think his name was. 15:26:36</p> <p>20 Q. Had you spoken to Shalik at all that 15:26:39</p> <p>21 night prior to this incident, prior to him 15:26:42</p> <p>22 saying to you he didn't care who you were? 15:26:43</p> <p>23 A. No, sir. 15:26:45</p> <p>24 Q. Had you spoken to Van Koot prior to 15:26:46</p> <p>25 that time? 15:26:48</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 287</p> <p>1 G. Bosetti</p> <p>2 A. No, sir. 15:26:49</p> <p>3 Q. Were there any problems with either 15:26:49</p> <p>4 of them prior to the altercation? 15:26:52</p> <p>5 MR. NOVIKOFF: Objection. 15:26:54</p> <p>6 A. Not that I know. 15:26:55</p> <p>7 MR. NOVIKOFF: Any problems he had or 15:27:00</p> <p>8 problems in the bar? 15:27:01</p> <p>9 MR. GOODSTADT: Any problems in the 15:27:02</p> <p>10 bar with the two of them or either of them. 15:27:03</p> <p>11 MR. NOVIKOFF: Objection. 15:27:05</p> <p>12 BY MR. GOODSTADT: 15:27:09</p> <p>13 Q. How many times did Shalik kick you? 15:27:09</p> <p>14 A. I remember he kicked once. It was 15:27:14</p> <p>15 enough. 15:27:16</p> <p>16 Q. And the injury was a sprained wrist? 15:27:18</p> <p>17 A. Yes. 15:27:21</p> <p>18 Q. Did you have any head injuries? 15:27:21</p> <p>19 A. A headache. Dizzy. 15:27:23</p> <p>20 Q. Did you wrist hurt right away when it 15:27:30</p> <p>21 got kicked? 15:27:34</p> <p>22 A. Everything hurt. 15:27:36</p> <p>23 Q. Did you feel like it was broken? 15:27:38</p> <p>24 A. No, not broken. 15:27:40</p> <p>25 Q. Did you call Ocean Beach Rescue? 15:27:43</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 288</p> <p>1 G. Bosetti</p> <p>2 MR. NOVIKOFF: You mean right when 15:27:43</p> <p>3 the foot his face? 15:27:43</p> <p>4 MR. GOODSTADT: How about at any 15:27:48</p> <p>5 time. 15:27:49</p> <p>6 MR. NOVIKOFF: Oh, okay. 15:27:49</p> <p>7 A. No. 15:27:50</p> <p>8 Q. How come? 15:27:50</p> <p>9 A. Well, I didn't need it. 15:27:52</p> <p>10 Q. But you had a sprained wrist and a 15:27:57</p> <p>11 headache after someone kicked you. 15:27:58</p> <p>12 A. Yes. 15:28:00</p> <p>13 Q. And you didn't need medical attention 15:28:00</p> <p>14 by Ocean Beach Rescue? 15:28:03</p> <p>15 A. No. 15:28:04</p> <p>16 Q. Did anyone try to break up the fight 15:28:05</p> <p>17 between you and Shalik and Van Koot? 15:28:09</p> <p>18 A. No. Van Koot, like I said, I pulled 15:28:11</p> <p>19 him off of Jeanne, I got kicked in the face and 15:28:17</p> <p>20 then I had to wrestle to get away from Van Koot. 15:28:22</p> <p>21 I mean I don't know why. There was just 15:28:26</p> <p>22 commotions all over the place. 15:28:29</p> <p>23 Q. How long did it take from the time 15:28:29</p> <p>24 you grabbed Van Koot and put him down till the 15:28:31</p> <p>25 time you had to wrestle to get yourself away 15:28:33</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 289</p> <p>1 G. Bosetti</p> <p>2 from him? 15:28:36</p> <p>3 A. Till the time I'm sorry? 15:28:36</p> <p>4 Q. That you had to wrestle to get 15:28:37</p> <p>5 yourself away from him. 15:28:38</p> <p>6 A. Everything was happening very fast. 15:28:40</p> <p>7 Q. Did you strike him with your fist 15:28:42</p> <p>8 when you were trying to wrestle to get away from 15:28:44</p> <p>9 him? 15:28:47</p> <p>10 A. You know, I probably did, you know, 15:28:47</p> <p>11 because I never recalled hitting him because my 15:28:52</p> <p>12 thing was to throw him down, but the more I 15:28:54</p> <p>13 thought about wrestling to get away, I probably 15:28:56</p> <p>14 very well did hit him. 15:29:00</p> <p>15 Q. With your fist? 15:29:00</p> <p>16 A. Probably. 15:29:01</p> <p>17 Q. You don't recall actually doing that 15:29:02</p> <p>18 though? 15:29:04</p> <p>19 A. No. 15:29:04</p> <p>20 Q. Did anyone try to break up the fight? 15:29:05</p> <p>21 A. No. 15:29:07</p> <p>22 MR. NOVIKOFF: Objection. 15:29:09</p> <p>23 A. It was that fast. It was very fast. 15:29:10</p> <p>24 Q. Was your brother there at all during 15:29:12</p> <p>25 the time that you were fighting with Shalik and 15:29:13</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 Van Koot? 15:29:20
3 A. No. 15:29:20
4 Q. Now you testified you got kicked in 15:29:28
5 the face. 15:29:30
6 Did you ever strike Shalik? 15:29:31
7 A. I believe I hit him in the arm with a 15:29:36
8 cue stick. 15:29:39
9 Q. When did that happen? 15:29:40
10 A. As soon as I got up, I heard him -- 15:29:41
11 not heard him, I seen him charging at me, "I'm 15:29:46
12 going to kill him. I'm going to kill him." 15:29:48
13 I grabbed the cue stick, pool stick, 15:29:49
14 and I hit him. 15:29:52
15 Q. Where was the pool stick that you 15:29:54
16 grabbed? 15:29:56
17 A. I don't know if it was on the table 15:29:57
18 or where I grabbed it. It was laying there. I 15:29:59
19 just grabbed the first thing I seen. It's like 15:30:02
20 a tunnel vision when somebody's coming at you. 15:30:05
21 Q. So you grabbed the pool stick. 15:30:07
22 Where was Van Koot at the time you 15:30:08
23 grabbed the pool stick? 15:30:10
24 A. I don't know if he was on the floor 15:30:11
25 or getting up. I don't know. 15:30:15
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1 G. Bosetti
2 Q. Did you -- how long did it take you 15:30:16
3 to wrestle your way away from van Koot? 15:30:20
4 A. Again, I don't know. 15:30:23
5 Q. Was Shalik still kicking you while 15:30:23
6 you were trying to get away from Van Koot? 15:30:25
7 A. Like I said, he kicked me the once 15:30:28
8 and I don't remember what happened after that. 15:30:34
9 I don't know what's going on. 15:30:36
10 Q. So he kicked you once, you don't know 15:30:37
11 where Shalik went after kicking you one time? 15:30:39
12 A. No. 15:30:40
13 Q. Did he ever punch you? 15:30:41
14 A. I don't know. I don't think so. I 15:30:42
15 don't think so. 15:30:44
16 Q. Just so I understand the time line 15:30:45
17 before we take a break, so he kicks you, you 15:30:47
18 were wrestling away to get away from Van Koot, 15:30:50
19 you may have struck him with your fist. 15:30:53
20 Did anything happen between that time 15:30:56
21 and the time you actually wrestled away from Van 15:30:58
22 Koot? 15:31:01
23 MR. NOVIKOFF: Objection to the 15:31:01
24 characterization. 15:31:02
25 A. I'm sorry. Say that again. 15:31:04
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1 G. Bosetti
2 Q. I'm still trying to get the time 15:31:05
3 line. 15:31:08
4 A. Yes. 15:31:08
5 Q. Shalik kicked you, right? 15:31:09
6 A. Yes. 15:31:10
7 Q. Then after Shalik kicked you, Van 15:31:10
8 Koot grabbed your leg and you were wrestling 15:31:13
9 away from Van Koot, correct? 15:31:15
10 A. Right. 15:31:17
11 Q. Okay. Did anything happen between 15:31:17
12 the time, that time or the time you actually got 15:31:19
13 away from Van Koot? 15:31:22
14 A. I don't know. I don't know what was 15:31:24
15 going on. 15:31:26
16 MR. GOODSTADT: Why don't we take a 15:31:27
17 couple minute break. 15:31:28
18 THE VIDEOGRAPHER: Going off the 15:31:30
19 record. The time is 3:32 p.m. 15:31:31
20 (Recess taken.) 15:31:35
21 THE VIDEOGRAPHER: We're back on the 15:39:03
22 record. The time is 3:45 p.m. 15:44:48
23 This is the beginning of the tape 15:44:50
24 labeled No. 4. 15:44:52
25 BY MR. GOODSTADT: 15:44:53
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1 G. Bosetti
2 Q. So before we took the break, we were 15:44:57
3 talking about when you wrestled yourself away 15:45:00
4 from Mr. Van Koot. 15:45:03
5 Do you recall that? 15:45:04
6 A. Yes, sir. 15:45:05
7 Q. When you wrestled yourself away from 15:45:05
8 Mr. Van Koot, do you recall who else was within 15:45:09
9 view? 15:45:13
10 MR. NOVIKOFF: Objection. 15:45:14
11 A. I really don't recall too much. 15:45:17
12 Q. Where was Shalik when you wrestled 15:45:19
13 yourself away from Van Koot? 15:45:21
14 MR. NOVIKOFF: Objection. 15:45:23
15 A. Where was he? I don't know. 15:45:26
16 Q. Yeah. 15:45:27
17 And you testified I think that he 15:45:28
18 came charging at you at some point? 15:45:31
19 A. Yes. 15:45:33
20 Q. Saying "I'm going to kill you" or 15:45:34
21 something to that effect? 15:45:37
22 A. Yes. 15:45:37
23 Q. Do you remember him actually saying 15:45:38
24 those words "I'm going to kill you"? 15:45:39
25 A. Yes. 15:45:40
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1 G. Bosetti
2 Q. And where was he standing when he 15:45:41
3 said that to you? What direction was he 15:45:43
4 charging you from? 15:45:46
5 A. I guess the front. 15:45:47
6 Q. Which way were you facing in 15:45:50
7 connection with that picture? 15:45:52
8 A. I was facing towards the bar, this 15:45:53
9 way (indicating). 15:45:56
10 He was coming at me, "I'm going to 15:45:56
11 kill you." 15:45:58
12 Q. How far away from the pool table were 15:45:58
13 you standing? 15:46:01
14 A. I don't know. 15:46:01
15 Q. You don't know? 15:46:04
16 And what did you do when he started 15:46:08
17 charging at you and said, "I'm going kill you"? 15:46:11
18 MR. NOVIKOFF: Objection. Asked and 15:46:13
19 answered. 15:46:14
20 A. When he came at me, I hit him. 15:46:14
21 Q. With the pool cue, that's when you 15:46:16
22 hit him? 15:46:18
23 A. Yes. 15:46:19
24 Q. Or did you hit him with your fist at 15:46:19
25 all? 15:46:21

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1 G. Bosetti
2 A. No, pool cue. 15:46:21
3 Q. How many times did you hit him with 15:46:22
4 the pool cue? 15:46:23
5 A. I really don't remember. I thought 15:46:24
6 once. 15:46:26
7 Q. And do you recall where on his body 15:46:27
8 you hit him? 15:46:29
9 A. I thought I hit him on the arm. 15:46:30
10 Q. Which arm, right arm or left arm? 15:46:32
11 A. I don't know. 15:46:34
12 Q. How did you actually swing the pool 15:46:35
13 cue? Was it -- were you holding it at the 15:46:38
14 bottom like a baseball bat or were you holding 15:46:39
15 it sort of in the middle? 15:46:42
16 A. I really don't remember. I don't 15:46:43
17 know if I hit him -- I thought I hit him like 15:46:45
18 this (indicating). I don't know. 15:46:47
19 Q. Which wrist was sprained? 15:46:47
20 A. I don't know if it's my left or my 15:46:50
21 right. I went to the doctor so... A couple of 15:46:52
22 days later but... 15:46:55
23 Q. Sitting here you don't recall which 15:46:56
24 wrist was sprained? 15:46:58
25 A. No. 15:46:59

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1 G. Bosetti
2 Q. After you struck him in the arm with 15:47:00
3 the pool cue, what happened? 15:47:05
4 A. Everybody was -- just everybody piled 15:47:06
5 on and broke everything up. 15:47:10
6 Q. Who piled on? 15:47:12
7 A. Everybody in the bar it seemed like. 15:47:14
8 Q. Well, who? Did you see anybody who 15:47:17
9 actually piled on? 15:47:19
10 A. Nah, just bodies all over the place. 15:47:19
11 Q. How many bodies were all over the 15:47:23
12 place? 15:47:25
13 A. Oh, I don't know. 15:47:25
14 Q. Do you recall a single person who 15:47:26
15 piled on? 15:47:28
16 A. No. 15:47:29
17 Q. Where was Van Koot at the time that 15:47:29
18 you hit Shalik with the stick? 15:47:32
19 A. I don't know. 15:47:33
20 Q. Did you hit Van Koot at all with the 15:47:34
21 pool cue? 15:47:36
22 A. No. 15:47:37
23 Q. Did you hit anyone else with the pool 15:47:37
24 cue other than for Shalik? 15:47:41
25 A. I'm not sure. I don't know. 15:47:42

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1 G. Bosetti
2 Somebody else might have ran at me and I hit 15:47:45
3 them too. At that time I was scared for my 15:47:47
4 life. 15:47:49
5 Q. So sitting here right now you don't 15:47:50
6 know if you hit just Shalik or maybe somebody 15:47:52
7 else? 15:47:54
8 A. Yeah. 15:47:54
9 Q. The pool cue break? 15:47:56
10 A. No. 15:48:02
11 Q. Where did you put the pool cue? 15:48:03
12 A. I don't know. 15:48:05
13 Q. You don't know? 15:48:09
14 A. No. I put it down. I don't know. I 15:48:10
15 didn't put it back in the rack if that's what 15:48:13
16 you're asking me. 15:48:15
17 Q. Did you put it anywhere to secure it 15:48:15
18 as possible evidence? 15:48:19
19 A. No. 15:48:20
20 Q. Did you secure the scene at all? 15:48:22
21 A. No. 15:48:24
22 Q. Where was your brother at the time 15:48:25
23 that you hit Shalik with the cue? 15:48:33
24 A. I don't know. 15:48:37
25 Q. Did you ever speak to your brother 15:48:37

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1 G. Bosetti
2 about whether he saw you hit Shalik with the 15:48:39
3 pool cue? 15:48:40
4 A. I don't think so because he didn't 15:48:41
5 know what was going on from what he said. 15:48:45
6 Q. When was the first time you told him 15:48:46
7 that you hit somebody with the pool cue? 15:48:48
8 MR. NOVIKOFF: Objection. 15:48:51
9 A. The first time? I don't recall. 15:48:51
10 Q. Did you tell him that night? 15:48:54
11 MR. NOVIKOFF: You mean that morning. 15:48:58
12 Q. Or that morning? 15:48:59
13 A. Probably. 15:49:00
14 Q. Were you at the bar when you told 15:49:02
15 him? 15:49:04
16 A. I don't recall. 15:49:05
17 Q. Did your brother identify himself as 15:49:07
18 a police officer? 15:49:12
19 MR. NOVIKOFF: When? 15:49:14
20 A. I don't know. I don't know what he 15:49:15
21 did. 15:49:15
22 Q. In the bar either during the 15:49:18
23 altercation with Van Koot and Shalik or shortly 15:49:21
24 thereafter. 15:49:24
25 MR. NOVIKOFF: Objection. 15:49:24
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1 G. Bosetti
2 A. I don't know. 15:49:25
3 Q. Did you call for any backup or 15:49:27
4 assistance? 15:49:29
5 MR. NOVIKOFF: Objection. 15:49:31
6 A. Did I? 15:49:32
7 Q. Yes. 15:49:32
8 A. No. 15:49:34
9 Q. Did you call the police station to 15:49:34
10 let them know this happened? 15:49:38
11 A. No. 15:49:39
12 Q. Do you know whether anyone did? 15:49:39
13 A. Yes. From what I understand, several 15:49:41
14 people called. 15:49:43
15 Q. Who called based on your 15:49:44
16 understanding? 15:49:45
17 A. I don't know. I don't know if Ian 15:49:46
18 called or whoever called, the bartenders called. 15:49:51
19 Q. Who were the bartenders that night? 15:49:57
20 A. I don't even remember. 15:50:01
21 Q. When you say Ian, you're referring to 15:50:02
22 Ian Levine? 15:50:04
23 A. Yeah. 15:50:05
24 Q. How do you know that he called? 15:50:05
25 MR. NOVIKOFF: Objection. I don't 15:50:08
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1 G. Bosetti
2 think he said he knows that he called. 15:50:09
3 Objection to form. 15:50:12
4 Q. What is the basis of your belief that 15:50:12
5 Levine called? 15:50:15
6 A. I don't know. Somebody told me he 15:50:16
7 called or somebody called. 15:50:20
8 Q. Did you hear anyone that night say, 15:50:23
9 "You guys call the police" or anything to that 15:50:27
10 effect? 15:50:30
11 A. I'm pretty sure somebody said it. 15:50:31
12 Q. You don't recall who it was? 15:50:36
13 A. No. 15:50:38
14 Q. When did you hear that for the first 15:50:39
15 time that night or that morning that somebody 15:50:41
16 called the police? 15:50:44
17 A. I don't remember. 15:50:45
18 Q. At some point in time police officers 15:50:46
19 who were on duty arrived at the scene? 15:50:51
20 A. Yeah. 15:50:53
21 Q. How long after you hit Shalik with 15:50:55
22 the pool cue did the on-duty police officers 15:50:58
23 arrive? 15:51:01
24 A. I really don't have too much 15:51:02
25 perception of time. It seemed like a while but 15:51:05
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1 G. Bosetti
2 I can't really give you a time frame. 15:51:09
3 Q. What do you mean by it seemed like a 15:51:10
4 while? How -- 15:51:11
5 A. I don't know. Everything was going 15:51:14
6 on. It was just chaotic. 15:51:16
7 Q. Was it minutes, hours? 15:51:17
8 A. No, not hours. Not hours. 15:51:20
9 Q. Minutes? 15:51:22
10 A. Minutes. 15:51:23
11 Q. Did you see the on-duty officers when 15:51:24
12 they arrived? 15:51:30
13 A. I seen them walk into the bar. 15:51:30
14 Q. Who did you see walk into the bar? 15:51:32
15 A. I'm not sure. 15:51:34
16 Q. You don't recall which officers were 15:51:35
17 on duty? 15:51:37
18 A. I think it was Tommy Snyder. I'm not 15:51:38
19 sure. 15:51:39
20 Q. So sitting here today you don't 15:51:39
21 recall which on-duty officers you saw walk into 15:51:42
22 the bar? 15:51:42
23 A. Nom sir. 15:51:46
24 Q. Where were you when the on-duty 15:51:46
25 officers walked into the bar? 15:51:48
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1 G. Bosetti
2 A. I was standing against the wall by 15:51:49
3 the pool table. 15:51:52
4 Q. Did you go over to them? 15:51:52
5 A. No. 15:51:55
6 Q. What happened? 15:51:55
7 A. I walked by, at that point my brother 15:51:56
8 was with me. He asked me how I was doing and I 15:51:59
9 told him. I said, you know, "I'm shaking. I'm 15:52:03
10 not feeling too good." 15:52:06
11 He said, "Don't worry. We'll take 15:52:08
12 care of it. Go home, lay down." 15:52:10
13 And I'd id. 15:52:13
14 Q. So just so I'm clear, when the 15:52:13
15 on-duty police officers walked into the bar, 15:52:16
16 your brother was with you at the time? 15:52:17
17 A. I don't know if he was with me at 15:52:18
18 that time. 15:52:19
19 Q. Well, when the on-duty police 15:52:21
20 officers walked in, you were up against the wall 15:52:24
21 by the pool table, right? 15:52:25
22 A. Yeah. 15:52:27
23 Q. You don't recall whether your brother 15:52:27
24 was with you at that time? 15:52:29
25 A. No. 15:52:30
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1 G. Bosetti
2 Q. Was anyone with you at the time? 15:52:30
3 A. I don't know. 15:52:33
4 Q. And did you -- you didn't go over to 15:52:34
5 the police officers who were on duty? 15:52:38
6 A. No. 15:52:39
7 Q. How come? 15:52:40
8 A. Because I was shaking. I was 15:52:41
9 shaking. My brother told me that they were 15:52:46
10 going to take care of it for me. You know, to 15:52:48
11 go relax, go lay down and so I did. 15:52:51
12 Q. When did you leave the bar? 15:52:54
13 A. Right after that. Shortly right 15:53:02
14 after that. 15:53:06
15 Q. While the on-duty officers were still 15:53:07
16 in the bar? 15:53:10
17 A. Yeah. 15:53:11
18 Q. So how long did you remain in the bar 15:53:13
19 when or after you saw the on-duty officers walk 15:53:17
20 into the bar? 15:53:22
21 A. I don't know. It wasn't long. 15:53:25
22 Q. How long is it wasn't long? 15:53:31
23 A. I don't know. A minute, if that. 15:53:35
24 Q. Okay. Just so I'm clear because my 15:53:38
25 question was a little bit convoluted, you were 15:53:40
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1 G. Bosetti
2 in the bar, you remained at the bar for one 15:53:44
3 minute after you saw the on-duty officers walk 15:53:47
4 in? 15:53:50
5 MR. NOVIKOFF: Objection. 15:53:50
6 A. Approximately. 15:53:50
7 Q. What door did you walk out? 15:53:51
8 A. The front door. 15:53:55
9 Q. Who did you walk out with? 15:53:56
10 A. I don't know. I don't know if Elyse 15:53:57
11 helped me out or what it was. 15:54:04
12 Q. Were any on-duty officers outside the 15:54:07
13 bar when you walked out? 15:54:10
14 A. I think there were some outside, 15:54:11
15 some inside. 15:54:13
16 Q. Who was outside -- 15:54:14
17 A. I don't recall. 15:54:16
18 Q. -- when you saw the on-duty officers? 15:54:15
19 MR. FEHRINGER: Wait until he 15:54:17
20 finishes. 15:54:17
21 THE WITNESS: Okay. Sorry. 15:54:19
22 Q. Did you walk out the -- 15:54:19
23 A. It's my first time. 15:54:19
24 Q. Did you walk out the east door or the 15:54:20
25 west door? 15:54:23
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1 G. Bosetti
2 MR. NOVIKOFF: Okay. What was the 15:54:25
3 question? 15:54:26
4 MR. GOODSTADT: Did he walk out the 15:54:26
5 east door or the west door. 15:54:27
6 A. It would be the east door. 15:54:30
7 Q. In the front of the bar. 15:54:30
8 The east door? 15:54:31
9 A. Yes. 15:54:31
10 Q. Where are the officers standing 15:54:32
11 inside the bar at the time that you left? 15:54:36
12 MR. NOVIKOFF: Objection. 15:54:38
13 A. I don't know. By the bar. I'm not 15:54:40
14 sure. 15:54:42
15 Q. How far is that from the east door 15:54:42
16 where they were standing? 15:54:45
17 A. I don't know. The bar is long. I 15:54:47
18 don't know. 20, 30 feet. 15:54:52
19 Q. How far from the east door was the 15:54:54
20 police officer or officers who were outside 15:54:58
21 standing? 15:55:00
22 MR. NOVIKOFF: Objection. 15:55:02
23 A. I don't know. I don't know. 15:55:03
24 Q. Were Shalik and Van Koot still in the 15:55:07
25 bar when you left? 15:55:10
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1 G. Bosetti
2 A. I have no idea. 15:55:11
3 Q. You didn't see them -- 15:55:13
4 A. No idea. 15:55:15
5 Q. -- when you were leaving? 15:55:16
6 Where did you go from the bar? 15:55:18
7 A. I went back to Mike's house. 15:55:21
8 Q. What time was that? 15:55:23
9 A. Again, I don't know. If everything 15:55:26
10 happened approximately 3:00, it's got to be 15:55:32
11 shortly thereafter. 15:55:35
12 Q. Like 3:10? 15:55:37
13 A. I don't know. 15:55:40
14 Q. Did you tell your brother that night 15:55:44
15 before you left the bar that a woman had been 15:55:49
16 choked? 15:55:53
17 A. Yes. 15:55:54
18 Q. And when did you tell him that? 15:55:55
19 A. When? 15:55:57
20 Q. Yeah. 15:55:57
21 A. Before I left. 15:56:01
22 Q. Tell me everything you recall telling 15:56:02
23 your brother before you left. 15:56:04
24 A. Excuse me? 15:56:06
25 Q. Tell me everything you recall telling 15:56:06
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1 G. Bosetti
2 your brother before you left. 15:56:08
3 MR. NOVIKOFF: Objection to the form 15:56:09
4 of the question. 15:56:11
5 A. I think he asked me what happened. 15:56:15
6 I said, "Hey, Jeanne Jaeger was 15:56:16
7 getting strangled." 15:56:18
8 Q. What else did you say? 15:56:21
9 A. "I grabbed the guy off her. Got 15:56:24
10 kicked in the face." 15:56:26
11 Q. Did you tell him anything else? 15:56:27
12 A. No. 15:56:29
13 Q. Did you tell him that you used the 15:56:31
14 pool cue to hit somebody. 15:56:31
15 A. I don't think so. 15:56:34
16 Q. Do you recall anything else he said 15:56:39
17 to you other than for what happened and telling 15:56:40
18 you -- do you recall anything that he said other 15:56:43
19 than for what happened and to tell you to go 15:56:45
20 back to the house? 15:56:48
21 A. No, sir. 15:56:49
22 Q. So those are the only two things you 15:56:50
23 recall him saying? 15:56:52
24 A. He said the cops were going to take 15:56:54
25 care of it. 15:56:59
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1 G. Bosetti
2 Q. How long did you speak to him for? 15:56:59
3 A. It wasn't too long. I don't know. 15:57:01
4 Q. Was Jeanne Jaeger still at the bar at 15:57:07
5 the time that you left? 15:57:10
6 A. I don't know. I don't know if 15:57:11
7 everybody ran out. I don't know. 15:57:15
8 Q. And when you told your brother that 15:57:17
9 Jeanne Jaeger had been choked or strangled, did 15:57:22
10 you actually use the name Jeanne Jaeger and told 15:57:27
11 him who it was? 15:57:29
12 A. That I don't remember. That I don't 15:57:32
13 know. 15:57:34
14 Q. Did you tell him that -- did you tell 15:57:34
15 him all these things -- strike that. 15:57:38
16 That conversation happen before or 15:57:40
17 after the on-duty officers arrived? 15:57:43
18 A. I think he went out, he came back in, 15:57:46
19 saw -- I'm not really sure when we had that 15:57:55
20 conversation. 15:58:00
21 Q. So just so I'm clear, you recall 15:58:00
22 seeing the on-duty officers walking in. 15:58:02
23 Did you speak to your brother at all 15:58:05
24 between the end of the altercation and the time 15:58:07
25 that you saw the police officers walk in who 15:58:12
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1 G. Bosetti
2 were on duty? 15:58:14
3 MR. NOVIKOFF: Objection. 15:58:15
4 A. I'm sorry. Give that to me again? 15:58:19
5 Rephrase it? 15:58:20
6 Q. I'm looking at -- I'm focusing on the 15:58:21
7 time period between the end of your 15:58:22
8 altercation -- 15:58:25
9 A. Yes. 15:58:26
10 Q. -- and the time that you saw the 15:58:27
11 on-duty police officers walk in. 15:58:29
12 You understand what time frame I'm 15:58:30
13 talking about? 15:58:32
14 A. Yes. 15:58:32
15 Q. Okay. Did you speak to your brother 15:58:32
16 at all during that time period? 15:58:33
17 MR. NOVIKOFF: Objection. 15:58:35
18 A. Yeah, I'm pretty sure I did. 15:58:37
19 Q. Okay. Did you say anything -- well, 15:58:39
20 strike that. 15:58:41
21 Was that the conversation that you 15:58:41
22 just testified to; how you doing, shaken up -- 15:58:43
23 A. I don't know if that was -- 15:58:47
24 Q. -- Jean was being strangled? 15:58:48
25 A. -- before or that one or... 15:58:50
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1 G. Bosetti
2 Q. Well, how many separate conversations 15:58:51
3 did you have after -- between the period that 15:58:52
4 you finished the altercation and the period, and 15:58:56
5 the time that you left the bar? 15:58:58
6 A. I thought we spoke briefly two 15:59:01
7 different times but... 15:59:03
8 Q. Okay. 15:59:06
9 A. I don't know. 15:59:06
10 Q. So I just want to focus on the first 15:59:07
11 time. 15:59:09
12 Was that before you saw the on-duty 15:59:09
13 officers come walking in? 15:59:12
14 MR. NOVIKOFF: Objection. 15:59:12
15 A. I don't know. 15:59:12
16 Q. What was stated during the first 15:59:13
17 conversation? 15:59:15
18 A. He asked what happened. 15:59:16
19 MR. NOVIKOFF: Objection. 15:59:16
20 Q. What did you respond? 15:59:21
21 MR. NOVIKOFF: Objection. Asked and 15:59:28
22 answered. 15:59:29
23 A. Yes, all right. 15:59:31
24 Q. I just want to make sure I know what 15:59:32
25 happened the first conversation versus the 15:59:34
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1 G. Bosetti
2 second conversation. 15:59:36
3 The first one he asked what happened, 15:59:36
4 if you're all right. 15:59:38
5 What did you respond? 15:59:39
6 MR. NOVIKOFF: Objection. 15:59:39
7 A. I said yeah, a lady was getting 15:59:40
8 choked or Jeanne was getting choked. I don't 15:59:43
9 know now what I said. 15:59:45
10 He asked me if I was all right. 15:59:46
11 I said yeah. 15:59:48
12 Q. Did you tell him that you had been 15:59:49
13 kicked at that point in time? 15:59:51
14 MR. NOVIKOFF: Objection. Asked and 15:59:52
15 answered. 15:59:53
16 A. I'm not sure. I might have. 15:59:53
17 Q. Do you recall anything else that you 15:59:59
18 guys, either you stated or he stated during that 16:00:00
19 first conversation? 16:00:03
20 MR. NOVIKOFF: Same objection. 16:00:04
21 A. No, sir. 16:00:06
22 Q. Now there was a second brief 16:00:07
23 conversation, correct? 16:00:10
24 A. Yes. 16:00:12
25 Q. When was that? How long after the 16:00:13
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1 G. Bosetti
2 first conversation? 16:00:14
3 A. I really don't know. 16:00:15
4 Q. Was that before or after the on-duty 16:00:16
5 officers arrived? 16:00:19
6 A. I don't know. 16:00:19
7 Q. What was stated during that 16:00:20
8 conversation? 16:00:23
9 A. He told me to go home and lay down, 16:00:25
10 that the cops were going to handle it. 16:00:29
11 Q. Did you say anything in response? 16:00:32
12 A. I said all right. I think I said it. 16:00:34
13 Are you sure you're all right? 16:00:36
14 Yeah. 16:00:38
15 Q. Did you tell him that you wanted to 16:00:38
16 make a statement to the on-duty cops? 16:00:40
17 A. No. 16:00:42
18 Q. Other than for your brother, who else 16:00:47
19 did you speak with before you left the bar? 16:00:52
20 MR. NOVIKOFF: Objection. If 16:00:55
21 anybody. 16:00:56
22 Q. If anybody, and I'm talking about 16:00:57
23 from the period after you finished the 16:00:59
24 altercation. 16:01:02
25 A. Nobody that I can recall. 16:01:04
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1 G. Bosetti
2 Q. What did you witness the on-duty 16:01:05
3 police officers do who arrived that night? 16:01:21
4 MR. NOVIKOFF: Objection. 16:01:22
5 A. They walked in. 16:01:23
6 Q. Did you hear anything they said? 16:01:25
7 A. No. 16:01:27
8 Q. You don't know how long they were 16:01:27
9 there for? 16:01:30
10 A. No. 16:01:30
11 Q. You left before they left? 16:01:32
12 MR. NOVIKOFF: Objection. Asked and 16:01:35
13 answered. 16:01:38
14 A. I would think so, yes. 16:01:38
15 Q. Do you know who the on-duty police 16:01:39
16 officers walked in with? 16:01:57
17 MR. NOVIKOFF: Objection. 16:01:58
18 A. No. 16:01:59
19 Q. Do you recall anybody who was in the 16:02:00
20 bar at the time that you left? 16:02:03
21 A. At the time? 16:02:06
22 Q. At the time that you left, do you 16:02:07
23 recall anybody else who was in the bar? 16:02:09
24 A. No. At the time I left, I was 16:02:11
25 shaking. I don't remember who was there or who 16:02:15
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1 G. Bosetti
2 wasn't there. 16:02:19
3 Q. You don't recall whether you left 16:02:20
4 alone or with Elyse Miller? 16:02:21
5 A. I think she might have walked me out 16:02:23
6 and I walked back to the house, but I don't... 16:02:25
7 I'm pretty sure I walked back. 16:02:28
8 Q. By yourself? 16:02:30
9 A. Yeah. 16:02:31
10 Q. Was anyone else at the house when you 16:02:31
11 arrived there? 16:02:34
12 A. I think Fazio was there. 16:02:35
13 Q. Was he awake when you got there? 16:02:40
14 A. I think so. 16:02:45
15 Q. What time did you arrive back at the 16:02:46
16 house? 16:02:49
17 A. I don't know. I don't know. 16:02:49
18 Q. Do you know approximately what time 16:02:57
19 it was? 16:02:58
20 A. No. I'm sorry. 16:02:59
21 Q. Did you speak with Fazio when you got 16:03:02
22 back to the house? 16:03:06
23 A. Briefly. 16:03:07
24 Q. Did you tell him what happened? 16:03:09
25 A. Yeah, briefly just going over it. I 16:03:11
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1 G. Bosetti
2 had to lay down. 16:03:18
3 Q. What did you tell him? 16:03:19
4 A. That somebody tried to strangle 16:03:21
5 Jeanne. I had to pull the guy off and I got 16:03:23
6 kicked in the face, and a big fight broke out 16:03:28
7 and that was it. 16:03:30
8 Q. Did you tell him you identified 16:03:30
9 yourself as a police officer? 16:03:31
10 A. That I did? 16:03:32
11 Q. Yeah. 16:03:33
12 A. I don't know if I told Fazio that. 16:03:36
13 Q. Did you tell him that you hit 16:03:38
14 somebody with a pool cue? 16:03:40
15 A. I don't know. 16:03:41
16 Q. Was anyone else in the house other 16:03:42
17 than for Fazio when you arrived back at Mike's 16:03:45
18 house? 16:03:48
19 A. I don't think so. 16:03:48
20 Q. Did you check to see if Ms. Jaeger 16:03:49
21 was okay? 16:03:56
22 A. She disappeared. I don't know where 16:03:57
23 she went to. I don't know if I asked her or not 16:04:00
24 or didn't ask her. I don't know what happened. 16:04:06
25 I said I was in a fog. 16:04:08
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1 G. Bosetti
2 Q. Who else slept at Matt the pizza 16:04:13
3 guy's house that night? 16:04:16
4 MR. CONNOLLY: I think it's Michael. 16:04:19
5 Q. Oh, Mike the pizza guy. I apologize. 16:04:20
6 MR. GOODSTADT: Thank you, Kevin. 16:04:23
7 A. I think Elyse came home later. She 16:04:25
8 slept there. 16:04:29
9 Q. Anyone else? 16:04:32
10 A. Fazio. I don't know. 16:04:33
11 Q. What time did Elyse come home? 16:04:39
12 A. I don't know. 16:04:41
13 Q. Were you sleeping by the time she got 16:04:42
14 home? 16:04:45
15 A. If I was sleeping or laying down. I 16:04:45
16 heard her talking or somebody come in but... 16:04:49
17 Q. Did she come in to check on you at 16:04:53
18 all? 16:04:56
19 A. Yeah. She asked me how I was. 16:04:56
20 Q. Do you know whether she had any 16:04:57
21 drinks after leaving the bar? 16:04:59
22 A. Oh, how, how would I know? 16:05:00
23 Q. Do you know whether your brother had 16:05:03
24 any drinks after he left the bar? 16:05:06
25 A. Again, how would I know? 16:05:07
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1 G. Bosetti
2 Q. Maybe you spoke to him. 16:05:09
3 A. No. 16:05:11
4 Q. Other than for Fazio and Elyse, did 16:05:11
5 you speak to anyone else that night after you 16:05:16
6 got back to the house? 16:05:19
7 A. No, I don't think so. 16:05:20
8 Q. Did you speak to your brother at all 16:05:22
9 after you got back to the house? 16:05:24
10 A. No. He wanted to stay in the 16:05:24
11 barracks in case there was any questions to be 16:05:26
12 answered or if, you know. 16:05:28
13 Q. The question was whether you spoke to 16:05:30
14 him at all that night after you got back to the 16:05:31
15 house. 16:05:34
16 A. That night, no. 16:05:34
17 Q. Did you speak to Matt Bellows that 16:05:35
18 night or that morning? 16:05:38
19 A. That morning I seen him, yes. 16:05:41
20 Q. Did he stay at the house? 16:05:44
21 A. I'm not sure. 16:05:46
22 Q. What time did you leave the island? 16:05:47
23 A. Oh, boy. I don't even know. I don't 16:05:55
24 know. 16:06:00
25 Q. Well, how long after you got back to 16:06:00
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1 G. Bosetti
2 the house did you leave the island? 16:06:04
3 A. I went to sleep. 16:06:05
4 Q. How long did you sleep for? 16:06:08
5 A. I don't know. 16:06:12
6 Q. How did you get off the island? 16:06:14
7 A. Matt gave us a lift. 16:06:16
8 Q. Matt gave who a lift? 16:06:18
9 A. Me and my brother. 16:06:20
10 Q. A lift what way? 16:06:22
11 A. To the checkpoint. 16:06:24
12 Q. In his car? 16:06:25
13 A. A boat. 16:06:26
14 Q. A boat? 16:06:27
15 Did you go down to the police station 16:06:39
16 prior to leaving the island that day? 16:06:41
17 A. No. 16:06:43
18 Q. How come? 16:06:44
19 MR. NOVIKOFF: Objection. 16:06:47
20 A. I just wanted to get home. My 16:06:47
21 daughter wanted to go trick or treating so I 16:06:49
22 felt it best that instead of getting chewed out 16:06:52
23 by the chief, I just get home. 16:06:58
24 Q. What do you mean instead of getting 16:06:59
25 chewed out by the chief? 16:07:01
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1 G. Bosetti
2 A. Listen, you guys were out, you 16:07:02
3 shouldn't have been out. Just get home. 16:07:06
4 Q. So you anticipated that the chief was 16:07:08
5 not going to be happy with the fact that you got 16:07:10
6 into an altercation at a bar? 16:07:11
7 A. That we were out. I know that once 16:07:13
8 he found out the facts, he wouldn't be mad, but 16:07:16
9 I just didn't want to go for the lecture. 16:07:21
10 Q. So you assumed that you were going to 16:07:24
11 get a lecture from Chief Paradiso that you were 16:07:27
12 out in the bars? 16:07:29
13 A. Yes. 16:07:30
14 Q. And what was the basis of your belief 16:07:30
15 that he was going to lecture you? 16:07:36
16 A. Well, like I told you earlier, he 16:07:38
17 didn't really like us out. 16:07:40
18 Q. So I know you asked if you went to 16:07:46
19 the police station prior to leaving the island. 16:07:49
20 Did you call the police station? 16:07:51
21 A. Did I? 16:07:52
22 Q. Yes. Prior to leaving the island. 16:07:56
23 A. I don't think so. 16:07:58
24 Q. Did you speak to any other police 16:07:58
25 officers prior to leaving the island other than 16:08:01
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1 G. Bosetti
2 for your brother? 16:08:02
3 A. No. 16:08:03
4 Q. Did you attempt to make contact with 16:08:04
5 any other police officers other than your 16:08:08
6 brother prior to leaving the island? 16:08:10
7 A. No. 16:08:12
8 Q. Did you think it would be important 16:08:16
9 to report to the police station as to what 16:08:19
10 happened in a fight that you were involved in 16:08:22
11 the night before? 16:08:24
12 MR. NOVIKOFF: Objection. 16:08:25
13 A. I'm told everything is being taken 16:08:26
14 care of. That's all I needed to know. 16:08:29
15 Q. And that was -- 16:08:29
16 A. They knew where I was. They knew 16:08:34
17 where my brother was. 16:08:37
18 Q. Well, how do you know they knew where 16:08:37
19 you were? Did you tell them where you were 16:08:40
20 going? 16:08:40
21 A. Well, my brother was there. My 16:08:42
22 brother stayed in the barracks. 16:08:43
23 Q. That wasn't the question, sir. 16:08:45
24 The question was how do you know that 16:08:46
25 they -- at that night, how did you know that 16:08:48
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1 G. Bosetti
2 they knew where you were? 16:08:52
3 A. Well, again, like I said, my brother 16:08:53
4 knew where I was so if they had to get in touch 16:08:56
5 with me, they knew where to find me. 16:08:59
6 Q. But you didn't tell anybody where you 16:09:01
7 were going, right? 16:09:03
8 A. No. 16:09:04
9 Q. Anybody in the police department? 16:09:04
10 A. No. 16:09:06
11 Q. Did you ever see a field report 16:09:07
12 filled out by the officers who were on duty that 16:09:13
13 night? 16:09:16
14 A. I think so. 16:09:16
15 Q. When did you see that field report? 16:09:19
16 A. In the station house. 16:09:23
17 Q. When? 16:09:24
18 A. When? 16:09:26
19 Q. Yeah. 16:09:26
20 A. A couple of days later. 16:09:28
21 (Plaintiffs' Exhibit G Bosetti 11, 16:09:48
22 Photographs, marked for identification, as 16:09:48
23 of this date.) 16:09:48
24 MR. GOODSTADT: I've placed in front 16:10:14
25 of Mr. Bosetti what's been marked as 16:10:15
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1 G. Bosetti
2 G. Bosetti-11, a three-page exhibit bearing 16:10:17
3 Bates number 3187 through 3189. 16:10:19
4 BY MR. GOODSTADT: 16:10:19
5 Q. Mr. Bosetti, have you ever seen the 16:10:23
6 photographs that have been marked as G. 16:10:25
7 Bosetti-11? 16:10:28
8 A. I believe that's Van Koot. 16:10:29
9 Q. Do you know when these photographs 16:10:32
10 were taken? 16:10:34
11 A. I don't know. The night of the 16:10:34
12 incident? 16:10:40
13 Q. Have you ever seen these photographs 16:10:40
14 before sitting here today? 16:10:43
15 A. Yes. 16:10:44
16 Q. Where did you see them? 16:10:45
17 A. The station house. 16:10:46
18 Q. When did you see them for the first 16:10:48
19 time? 16:10:50
20 A. A couple of days after the incident. 16:10:50
21 Q. Who showed them to you? 16:10:53
22 A. I don't know. I think it was Chief 16:10:56
23 Paradiso. I'm not sure. 16:11:00
24 Q. So a couple days after the incident. 16:11:00
25 How many days? 16:11:04
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1 G. Bosetti
2 A. I think Tuesday. Tuesday I went in 16:11:09
3 and was reinstated, so that would be Tuesday. 16:11:13
4 Q. And what day was Halloween that year? 16:11:16
5 A. I think it was Saturday night until 16:11:19
6 Sunday. 16:11:22
7 Q. So it was Sunday was the 31st and 16:11:23
8 then so the 1st was Monday, the 2nd is Tuesday? 16:11:26
9 A. I think so. 16:11:29
10 Q. So your recollection is that the 16:11:30
11 first time you saw this was on December 2nd? 16:11:32
12 A. I think so. 16:11:36
13 Q. Is that correct? 16:11:37
14 A. To the best of my knowledge. 16:11:38
15 MR. NOVIKOFF: What month did you 16:11:46
16 say? 16:11:47
17 MR. GOODSTADT: I meant November. 16:11:47
18 Q. Tuesday, November 2nd. 16:11:48
19 Did -- before coming back on that 16:11:51
20 Tuesday, when was the first time you spoke to 16:12:01
21 anyone from the Ocean Beach Police Department 16:12:04
22 other than your brother after you left the 16:12:08
23 island. 16:12:10
24 A. It was Monday, Monday morning. 16:12:11
25 Q. And who did you speak with? 16:12:20
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1 G. Bosetti
2 A. Sergeant Hesse. 16:12:21
3 Q. So just so I'm clear, you leave the 16:12:23
4 island -- 16:12:25
5 A. Oh, wait. I'm sorry. Let me correct 16:12:26
6 that. 16:12:28
7 I spoke to Chief Paradiso Sunday 16:12:30
8 morning and he told me -- he asked me what 16:12:39
9 happened. I told him. 16:12:41
10 He said, "Did you hit somebody with a 16:12:44
11 pool stick?" 16:12:45
12 I said, "Yes, I did." 16:12:46
13 He goes, "Oh, you're relieved of 16:12:48
14 duty." 16:12:51
15 And being that we don't have a PBA 16:12:51
16 out there, I have nobody to turn to, I'm not 16:12:53
17 going to argue with anybody. First thing that 16:12:57
18 came to my mind is I'm getting a lawyer. 16:12:59
19 MR. NOVIKOFF: Getting a what? 16:13:02
20 THE WITNESS: A lawyer. 16:13:04
21 Q. Okay. So let's just go back to the 16:13:04
22 discussion with Paradiso. 16:13:06
23 He called you or you called him on 16:13:08
24 Sunday morning? 16:13:11
25 A. I'm not sure if I called him or he 16:13:11
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1 G. Bosetti
2 called me. 16:13:13
3 Q. Where were you when you had this 16:13:14
4 phone call with Paradiso? 16:13:16
5 A. I was driving home. 16:13:18
6 Q. Driving home from the island? 16:13:19
7 A. Yes. 16:13:21
8 Q. Do you recall what time it was? 16:13:22
9 A. No. 16:13:25
10 Q. Was it on your cell phone? 16:13:26
11 A. Did I call on my cell? 16:13:28
12 Q. The phone call was on your cell 16:13:30
13 phone? 16:13:32
14 A. Yes. 16:13:32
15 Q. And tell me everything you recall 16:13:35
16 that was stated during that conversation. 16:13:37
17 Well, strike that. Before we get to 16:13:41
18 that. 16:13:42
19 Was anyone else in the car with you? 16:13:42
20 A. My brother. 16:13:44
21 Q. Was anyone else -- were you on 16:13:45
22 speaker? 16:13:48
23 A. No. No. 16:13:49
24 Q. So you had either a blue tooth or a 16:13:50
25 mouthpiece, or a handheld set or something? 16:13:54
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1 G. Bosetti
2 A. Yes. 16:13:56
3 Q. Tell me everything you recall stated 16:13:57
4 between you and the chief on that phone call. 16:14:02
5 A. Say that again? 16:14:04
6 Q. Tell me everything you recall that 16:14:07
7 was stated between you and the chief on that 16:14:09
8 phone call? 16:14:11
9 A. He asked me what happened. 16:14:12
10 Q. And what did you say to him? 16:14:12
11 A. I said, "Jeanne Jaeger was getting 16:14:14
12 strangled and I jumped in. I took the guy off 16:14:17
13 her." 16:14:20
14 "Did you hit somebody with a pool 16:14:22
15 cue?" 16:14:22
16 I said, "Yes, I did." 16:14:25
17 He says, "Well, you're relieved of 16:14:26
18 your duty." Just like that. 16:14:27
19 I said, "Okay." 16:14:30
20 Q. And you don't recall what time on 16:14:33
21 Sunday morning that was? 16:14:35
22 A. No. 16:14:36
23 Q. And did you tell him that you got 16:14:36
24 kicked in the face? 16:14:41
25 A. Yeah, I believe I told him that. I 16:14:41
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1 G. Bosetti
2 told him the story. 16:14:44
3 Q. You told him the whole story? 16:14:45
4 A. I believe so. 16:14:47
5 Q. Did he tell you why he was relieving 16:14:48
6 you of your duties? 16:14:51
7 A. All he said was did I hit somebody 16:14:52
8 with a pool cue. 16:14:54
9 And I said "Yes, I did." 16:14:56
10 And he just said, "That's it. You're 16:14:57
11 relieved." 16:15:00
12 Q. Did you say anything back to him when 16:15:01
13 he told you were relieved? 16:15:05
14 A. Like I said, I don't have a PBA. 16:15:05
15 This is a case that would go directly to a PBA. 16:15:07
16 Q. You told that to Paradiso? 16:15:11
17 A. No. 16:15:13
18 Q. Okay. I just want to focus now 16:15:13
19 before we get to the PBA issue, I just want to 16:15:15
20 focus on the call with Paradiso. 16:15:18
21 A. Okay. 16:15:19
22 Q. Did you say anything back to him when 16:15:20
23 he told you you were relieved of your duties? 16:15:23
24 A. No. 16:15:24
25 Q. That was it, you just hung up the 16:15:25
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1 G. Bosetti
2 phone? He said you're relieved, you hung up the 16:15:27
3 phone? 16:15:29
4 A. Yeah, that's it. I might have said 16:15:30
5 why. 16:15:32
6 He said, "Because you hit somebody 16:15:33
7 with a pool cue." 16:15:33
8 Q. Did you ask him why? 16:15:33
9 A. I'm not sure. 16:15:35
10 Q. So you don't recall? 16:15:37
11 A. No. 16:15:39
12 Q. What did you do with your shield when 16:15:41
13 he told you you were relieved? 16:15:44
14 A. Like I said, I went home and I 16:15:47
15 started looking up making phone calls for a 16:15:51
16 lawyer, and I had the shield with me. It was a 16:15:53
17 matter of I had to bring it in. 16:16:00
18 Q. Did he ask you to bring it in? 16:16:02
19 A. No. 16:16:03
20 Q. Did you retain a lawyer in connection 16:16:04
21 with this? 16:16:06
22 A. I spoke to one. I spoke to somebody. 16:16:07
23 Q. Who? Which lawyer? 16:16:09
24 I don't want to know anything that 16:16:10
25 you actually said, but which lawyer did you 16:16:13
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1 G. Bosetti
2 speak with? 16:16:14
3 A. I think it was Steve Worth. 16:16:14
4 Q. Steve Worth? 16:16:17
5 MR. NOVIKOFF: It makes sense. 16:16:19
6 Q. Had you ever been represented by 16:16:25
7 Steve Worth in the past? 16:16:26
8 A. No. 16:16:28
9 Q. Did somebody recommend that you give 16:16:28
10 him a call or did you know him? 16:16:32
11 A. Yes. 16:16:33
12 Q. Who recommended that you call Steve 16:16:34
13 Worth. 16:16:35
14 A. The New York City PBA. 16:16:36
15 Q. So you called the New York City PBA 16:16:38
16 to tell them that you had this situation? 16:16:41
17 A. Yes. 16:16:43
18 Q. Did you tell anyone at the New York 16:16:44
19 City PBA the story about what happened or did 16:16:46
20 you simply ask them for a referral? 16:16:50
21 A. I think I might have told them the 16:16:52
22 story. 16:16:54
23 Q. Did you ever actually retain 16:16:54
24 Mr. Worth? 16:16:56
25 A. No. 16:16:57
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1 G. Bosetti
2 Q. When was the next time that you spoke 16:17:03
3 to -- well, strike that. 16:17:07
4 Did your brother have anything to say 16:17:08
5 or did your brother speak with Paradiso at all 16:17:12
6 during that call? 16:17:14
7 A. I don't think so. 16:17:15
8 Q. Other than for your brother, when was 16:17:16
9 the next time you spoke with any police officer 16:17:21
10 from Ocean Beach after that call with Paradiso? 16:17:24
11 A. I believe it was Monday morning. 16:17:26
12 Q. So you didn't speak to anyone else on 16:17:29
13 Sunday? 16:17:29
14 A. No. I don't think so. 16:17:31
15 Q. Did you speak to Steve Worth and the 16:17:33
16 New York City PBA on that Sunday? 16:17:40
17 A. It was Monday. 16:17:42
18 Q. So Monday morning which -- who was 16:17:43
19 the first police officer at Ocean Beach that you 16:17:45
20 spoke with? 16:17:48
21 A. Sergeant Hesse. 16:17:48
22 Q. Did he call you or did you call him? 16:17:52
23 A. He called me to ask me what happened. 16:17:54
24 Q. Did he call you on your cell phone or 16:17:57
25 at home? 16:17:59
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1 G. Bosetti
2 A. I don't recall. 16:18:00
3 Q. Where were you when you spoke with 16:18:02
4 him? 16:18:04
5 A. I was home. 16:18:04
6 Q. Tell me everything you recall about 16:18:07
7 that phone conversation. 16:18:10
8 A. It wasn't like a pleasant phone call. 16:18:11
9 He asked, "What the hell happened" and I told 16:18:18
10 him. 16:18:22
11 He said, "Half the town is coming 16:18:23
12 into the station house wondering what's going 16:18:25
13 on." 16:18:28
14 I said, I told him what happened. 16:18:30
15 That's it. 16:18:32
16 He said, "All right" and that was 16:18:33
17 basically the whole conversation. 16:18:35
18 Q. What do you mean? You told Hesse 16:18:38
19 what happened? 16:18:40
20 A. Yes. 16:18:41
21 Q. Did he ask you to submit any kind of 16:18:42
22 statement? 16:18:44
23 A. I don't know if he asked me at that 16:18:45
24 time. 16:18:48
25 Q. You don't know one way or the other? 16:18:50
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1 G. Bosetti
2 A. No, I don't know. 16:18:52
3 He was doing an investigation. I 16:18:56
4 know the town, the town was pissed off. I don't 16:18:57
5 know. A lot a good people out there. 16:19:01
6 Q. How do you know the town was pissed 16:19:07
7 off? Anyone from the town call? 16:19:08
8 A. Who called me. I forget who called 16:19:10
9 me now. I'm not sure who called me, but George 16:19:16
10 told me that "Half the town is coming into the 16:19:26
11 station house" so... 16:19:29
12 Q. To do what? 16:19:33
13 A. To complain. They said they heard I 16:19:34
14 was fired. 16:19:38
15 Q. Do you know who comprised half the 16:19:38
16 town? 16:19:42
17 MR. NOVIKOFF: Objection. 16:19:44
18 A. I don't know. I don't know who was 16:19:46
19 there. 16:19:49
20 Q. Did he tell you who was there? 16:19:49
21 A. I'm sorry? 16:19:52
22 Q. Did he tell you who -- 16:19:53
23 A. No. 16:19:54
24 Q. -- came in? 16:19:55
25 A. Uh-uh. 16:19:55
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1 G. Bosetti
2 Q. And how did you end the phone call 16:19:57
3 with Hesse? 16:19:58
4 A. I think he just said, "All right," 16:20:00
5 and that was it. He hung up. 16:20:08
6 Q. Did he tell you that there was an 16:20:12
7 investigation going on? 16:20:14
8 A. I'm not sure if he said there was an 16:20:15
9 investigation. 16:20:18
10 Q. Did he tell you whether he had read 16:20:19
11 any of the documents that were completed that 16:20:27
12 night, meaning the witness statements and/or the 16:20:29
13 field report? 16:20:34
14 A. I don't know. 16:20:35
15 Q. Where did your brother sleep that 16:20:36
16 night? 16:20:43
17 A. The barracks. Excuse me. 16:20:43
18 Q. Do you know whether anyone else 16:20:45
19 stayed at the barracks with your brother that 16:20:48
20 night? 16:20:49
21 A. I don't know. 16:20:50
22 Q. Did Elyse Miller leave the island 16:20:51
23 with you? 16:21:00
24 A. No. 16:21:00
25 Q. I believe you testified that you, in 16:21:05
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1 G. Bosetti
2 preparation for this deposition, you had read 16:21:08
3 the statements of Shalik, Tesoro and Van Koot; 16:21:11
4 is that correct? 16:21:11
5 A. Yes. 16:21:15
6 Q. When was the first time you read 16:21:15
7 those statements? 16:21:17
8 A. Probably that Tuesday when I went in. 16:21:17
9 Q. During your conversation with 16:21:25
10 Paradiso when he told you that you were relieved 16:21:33
11 of your duties, did he offer you the opportunity 16:21:36
12 to resign? 16:21:38
13 A. No. 16:21:40
14 Q. And you held onto your shield; is 16:21:40
15 that correct? 16:21:52
16 A. Yes. 16:21:52
17 Q. You didn't give it to your brother or 16:21:53
18 anybody else to turn it in? 16:21:54
19 A. No. 16:21:56
20 Q. So let's fast forward to the Tuesday 16:21:57
21 morning that you went into the island. 16:22:01
22 Well, before that, did you speak to 16:22:04
23 any other police officers at Ocean Beach other 16:22:05
24 than for your brother, the one phone call with 16:22:08
25 Paradiso and the one phone call with Hesse prior 16:22:12
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1 G. Bosetti
2 to going to the island that Tuesday? 16:22:14
3 A. Not that I recall. 16:22:15
4 Q. What time did you go to the island 16:22:17
5 that Tuesday morning? 16:22:19
6 A. I don't know. It was in the morning 16:22:20
7 though. Sometime in the morning. 16:22:26
8 Q. How did you get over there? 16:22:27
9 A. I don't know if we drove in or we 16:22:30
10 took the ferry in. 16:22:33
11 Q. Who's "we"? 16:22:34
12 A. I'm not sure. 16:22:35
13 Q. Who's "we"? 16:22:37
14 A. Me and my brother. 16:22:38
15 Q. Somebody ask you to come in? 16:22:40
16 A. Yes. 16:22:44
17 Q. Who asked you to come in? 16:22:46
18 A. I'm not sure if it was chief or 16:22:48
19 George. 16:22:51
20 Q. When you got to the island, did you 16:22:52
21 go straight to the station? 16:22:55
22 A. Yes. 16:22:56
23 Q. Who was at the station when you got 16:22:57
24 there? 16:22:59
25 A. The chief and George. 16:22:59
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1 G. Bosetti
2 Q. Anyone else? 16:23:01
3 A. I don't think so. 16:23:02
4 Q. And your brother, did he come with 16:23:03
5 you? 16:23:06
6 A. Oh, yes, he came with me, yes. 16:23:06
7 Q. Did you speak with Paradiso or Hesse 16:23:07
8 that morning when you got there? 16:23:14
9 A. Yes. 16:23:16
10 Q. Which one or both? 16:23:18
11 A. Both. 16:23:19
12 Q. Who was the first one to speak to you 16:23:20
13 about the incident that morning? 16:23:24
14 A. That morning, I don't know. I don't 16:23:26
15 know who the first one was. 16:23:29
16 Q. Tell me everything you recall from 16:23:30
17 that conversation. 16:23:33
18 A. The chief asked me what happened. 16:23:41
19 I told him what happened and I guess 16:23:43
20 by this time enough witnesses came forward and 16:23:46
21 he goes, "All right. You got your job back." 16:23:53
22 Q. Paradiso told you you have your job 16:23:55
23 back? 16:23:57
24 A. Yes. 16:23:58
25 Q. Did you get any documents that showed 16:24:05
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1 G. Bosetti
2 that you got your job back? 16:24:07
3 A. No. 16:24:10
4 MR. NOVIKOFF: Objection. 16:24:11
5 Q. Did you receive any documentation 16:24:11
6 that you were relieved of your duties? 16:24:13
7 A. No. 16:24:15
8 Q. How long was the conversation between 16:24:15
9 you, Hesse and Paradiso that morning? 16:24:21
10 A. I don't know. We talked, you know, 16:24:23
11 sat around talking so I guess maybe 15 or 20 16:24:31
12 minutes. 16:24:34
13 Q. And it was you, Paradiso, Hesse. 16:24:34
14 Was your brother part of that 16:24:37
15 conversation? 16:24:38
16 A. Yes. 16:24:38
17 Q. Anyone else? 16:24:39
18 A. Not that I can recall. 16:24:40
19 Q. Was Pat Cherry there? 16:24:42
20 A. I don't think so. 16:24:44
21 Q. When you said -- 16:24:47
22 A. Somebody was at the desk so maybe 16:24:49
23 somebody was, you know, answering the phones but 16:24:52
24 I don't recall who. 16:24:53
25 Q. When you said that enough witnesses, 16:24:54
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1 G. Bosetti
2 when you're talking about witnesses had come 16:24:58
3 forward, what was the basis of that 16:25:00
4 understanding? 16:25:01
5 A. I'm sorry. Rephrase that? 16:25:02
6 Q. Before you testified that -- you said 16:25:04
7 something to the effect, well, I guess by that 16:25:09
8 time a number of witnesses had come forward, do 16:25:12
9 you remember testifying to this? 16:25:15
10 A. Yes. 16:25:16
11 Q. What was the basis of your 16:25:17
12 understanding by that time a number of witnesses 16:25:18
13 had come forward? 16:25:20
14 MR. NOVIKOFF: Objection. 16:25:21
15 I don't know if it was an 16:25:22
16 understanding. 16:25:24
17 Q. What was the basis of your testimony? 16:25:25
18 A. Well, if you read the original 16:25:28
19 reports taken by the officers, they didn't 16:25:30
20 interview any witnesses on the scene, and when 16:25:33
21 one of them, I believe it was Sean O'Rourke, 16:25:36
22 came and asked, "Can we help you," they stated, 16:25:39
23 "Get the hell away from me before I lock you 16:25:41
24 up." 16:25:44
25 If you were going to do an 16:25:45
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1 G. Bosetti
2 investigation and just interview the perps, 16:25:47
3 you're going to find that there's not one guilty 16:25:49
4 person in prison in this country. 16:25:51
5 Q. Do you know whether they attempted to 16:25:53
6 get statements from any of the witnesses at the 16:25:55
7 bar that night? 16:25:57
8 A. Did they attempt to? 16:25:57
9 Q. Yeah. 16:25:59
10 A. I only know what was in the statement 16:25:59
11 that said, "Sean O'Rourke came over to me and I 16:26:01
12 told him to stay the hell away from me before I 16:26:04
13 lock you up." 16:26:06
14 Q. What statement is that that you're 16:26:06
15 referring to? 16:26:08
16 A. I don't know whose statement it was. 16:26:08
17 Q. You don't recall a statement saying 16:26:10
18 that Sean O'Rourke was trying to prevent the 16:26:12
19 on-duty officers from coming into the bar and he 16:26:15
20 was told to move aside otherwise he would be 16:26:16
21 arrested for impeding the investigation? 16:26:19
22 A. I never seen that. I never heard 16:26:19
23 that. 16:26:28
24 Q. So you recall some statement that 16:26:28
25 someone wrote where they told Sean O'Rourke to 16:26:31
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1 G. Bosetti
2 "Get the hell away from me before I lock you 16:26:34
3 up"? 16:26:36
4 A. Yes. 16:26:36
5 Q. How did half the island know that you 16:26:37
6 were fired at that point? 16:26:45
7 MR. NOVIKOFF: Objection. 16:26:46
8 A. I have no idea. 16:26:47
9 MR. NOVIKOFF: Andrew, I think he's 16:26:52
10 testified that Hesse told him half the 16:26:54
11 island had come in. 16:26:58
12 MR. GOODSTADT: Okay. 16:27:00
13 MR. NOVIKOFF: I don't know if he 16:27:01
14 knows. 16:27:02
15 THE WITNESS: Can I go to the 16:27:05
16 bathroom? 16:27:06
17 MR. GOODSTADT: We can take a break. 16:27:08
18 THE WITNESS: I don't want to 16:27:10
19 interrupt anything but... 16:27:10
20 MR. GOODSTADT: You can go to the 16:27:12
21 bathroom. That's fine. 16:27:13
22 THE WITNESS: Okay. Great. Thank 16:27:13
23 you. 16:27:14
24 THE VIDEOGRAPHER: Going off the 16:27:14
25 record. The time is 4:27 p.m. 16:27:14
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1 G. Bosetti
2 (Recess is taken.) 16:30:34
3 THE VIDEOGRAPHER: We're back on the 16:30:35
4 record. The time is 4:31 p.m. 16:30:48
5 BY MR. GOODSTADT: 16:30:50
6 Q. So the time that you came into the 16:30:52
7 station on Tuesday morning, which we have now 16:30:54
8 established is November 2nd, that's the day that 16:30:58
9 you saw these pictures that have been marked as 16:31:02
10 G. Bosetti-11, as well as the witness statements 16:31:05
11 and field report that you testified to before? 16:31:09
12 A. I believe so. 16:31:11
13 Q. How did you go about getting those? 16:31:11
14 Is that something someone handed to you or did 16:31:14
15 you grab a file from somewhere? 16:31:16
16 A. I don't know. I don't know if 16:31:18
17 somebody handed them to me or if they were 16:31:20
18 sitting there, you know. 16:31:23
19 Q. Did you read them before, did you 16:31:23
20 read those statements and see these pictures 16:31:25
21 before your discussions with Hesse and Paradiso 16:31:27
22 or was it after? 16:31:29
23 A. I don't recall. 16:31:32
24 Q. Did you discuss those statements at 16:31:33
25 all with Hesse and Paradiso during that Tuesday 16:31:34
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1 G. Bosetti
2 morning conversation? 16:31:38
3 A. Maybe. Maybe. I don't really 16:31:41
4 remember. 16:31:44
5 Q. When you spoke to Hesse the prior 16:31:44
6 day, did he tell you anything about getting your 16:31:50
7 job back? 16:31:52
8 A. No. No. I think I was told to come 16:31:54
9 in on Wednesday or Tuesday, whenever it was. 16:32:00
10 Q. Did you tell him that you wanted your 16:32:03
11 job back? 16:32:05
12 A. I don't even know if, I don't even 16:32:06
13 know if I said that. 16:32:11
14 Q. So you came back in. 16:32:13
15 And did you comment to Paradiso or 16:32:16
16 Hesse at all about the witness statements that 16:32:19
17 the on-duty officers took that night? 16:32:21
18 A. There were no witness statements. 16:32:24
19 Q. Well, I thought you testified that 16:32:27
20 they interviewed the, you called them the three 16:32:28
21 perps? 16:32:32
22 A. The perps, yes. 16:32:32
23 Q. Right. 16:32:33
24 Did you comment -- those are the 16:32:34
25 statements that you read on that Tuesday 16:32:35
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1 G. Bosetti
2 morning? 16:32:38
3 A. Yes. 16:32:38
4 Q. Did you speak at all to Hesse and 16:32:39
5 Paradiso about those statements? 16:32:41
6 A. I really can't be sure. I can't 16:32:43
7 recall. 16:32:47
8 Q. Did you ever hear that Joe Loeffler 16:32:49
9 stated that it was an assault second with a 16:33:00
10 dangerous instrument, what happened to Mr. Van 16:33:02
11 Koot? 16:33:07
12 MR. NOVIKOFF: Objection. 16:33:07
13 A. No. 16:33:09
14 Q. Do you know that Joe Loeffler was on 16:33:12
15 the Ocean Beach Rescue that night? 16:33:15
16 A. Did I know he was on it? 16:33:17
17 Q. Yeah. Sitting here today, you didn't 16:33:18
18 know that he was on Ocean Beach Rescue that 16:33:20
19 night? 16:33:23
20 MR. NOVIKOFF: Objection. 16:33:23
21 A. Today. I didn't know he was on it 16:33:23
22 that night. 16:33:26
23 Q. Right. 16:33:26
24 When did you first hear that he was 16:33:26
25 on Ocean Beach Rescue? 16:33:27
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1 G. Bosetti
2 A. Maybe that day. Maybe that Tuesday. 16:33:31
3 Q. Did you ever speak to Joe Loeffler 16:33:34
4 about the Halloween incident? 16:33:36
5 A. No. 16:33:38
6 Q. How did you find out that he was on 16:33:39
7 Ocean Beach Rescue that night? 16:33:42
8 A. I guess with the pictures, looking at 16:33:46
9 the pictures, just discussing things I guess. 16:33:49
10 Q. Who did you discuss the pictures 16:33:51
11 with? 16:33:53
12 A. I guess Paradiso. 16:33:53
13 Q. What did you discuss about the 16:34:00
14 pictures with Paradiso? 16:34:01
15 A. What did I discuss? 16:34:03
16 Q. Yeah. What was stated between you 16:34:05
17 and Paradiso about the pictures that have been 16:34:09
18 marked as G. Bosetti-11? 16:34:10
19 A. I don't recall the exact 16:34:11
20 conversation. 16:34:13
21 Q. Do you recall anything that was 16:34:14
22 stated? 16:34:15
23 A. Just that we talked about it and that 16:34:15
24 was it. 16:34:19
25 Q. Did Paradiso ask you why you left the 16:34:19
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1 G. Bosetti
2 bar that night? 16:34:23
3 A. Yes, I'm sure he did. I'm sure he 16:34:24
4 did. 16:34:29
5 Q. What was your response? 16:34:29
6 A. Same thing I told you. 16:34:30
7 Q. And did Paradiso ask you for a 16:34:33
8 statement that day? 16:34:35
9 A. I had to make statements, yes, but I 16:34:37
10 don't know if it was right then and there. 16:34:42
11 Q. But did he ask you for a statement? 16:34:43
12 A. Yeah, I'm sure. I'm sure he did. 16:34:45
13 Q. During that conversation did he ask 16:34:49
14 you for a statement? 16:34:51
15 A. The time period that I was there, 16:34:51
16 yes. 16:34:53
17 Q. Just -- 16:34:53
18 MR. CONNOLLY: We're talking -- 16:34:56
19 Q. We're talking about that Tuesday 16:34:57
20 morning? 16:34:59
21 A. Tuesday morning, yes. 16:34:59
22 Q. Paradiso asked you for a statement? 16:35:01
23 A. I believe so. 16:35:02
24 Q. He asked you -- 16:35:03
25 A. I'm not sure. 16:35:05
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1 G. Bosetti
2 MR. FEHRINGER: Don't guess. 16:35:05
3 A. Then I'm not sure. I don't know. 16:35:06
4 Q. So he asked you for a written 16:35:09
5 statement? 16:35:11
6 A. I'm not sure. 16:35:11
7 Q. George Hesse ask you for a written 16:35:13
8 statement? 16:35:16
9 A. I'm not sure. 16:35:16
10 MR. NOVIKOFF: On that Tuesday. 16:35:17
11 MR. GOODSTADT: On that Tuesday. 16:35:18
12 A. I'm not sure. 16:35:19
13 Q. How about at any point in time did 16:35:20
14 Paradiso, do you recall him asking you for a 16:35:22
15 written statement? 16:35:24
16 A. I had to make a written statement, 16:35:24
17 yes. 16:35:24
18 Q. I understand you had to make one. I 16:35:26
19 also understand that you made one. 16:35:30
20 I just wanted to know who asked you 16:35:30
21 to make that statement? 16:35:33
22 A. It was either the chief or the 16:35:36
23 sergeant. 16:35:37
24 Q. You don't recall one way or the 16:35:39
25 other? 16:35:41
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1 G. Bosetti
2 A. No, sir. 16:35:41
3 Q. You don't recall when that request 16:35:41
4 was made? 16:35:42
5 A. No, sir. 16:35:43
6 Q. Did there come a point in time that 16:35:43
7 you learned that Pat Cherry would be involved in 16:35:48
8 the investigation? 16:35:51
9 A. Yes. 16:35:51
10 Q. How did you learn that? 16:35:52
11 A. I'm not sure who told me. 16:35:54
12 Q. Were you friends -- 16:35:58
13 A. The chief or the George said they 16:35:59
14 were doing an investigation, you know, Pat 16:36:02
15 Cherry, and he's got a lot of experience with 16:36:06
16 this so he was going to be doing the 16:36:07
17 investigation. 16:36:10
18 Q. And they told you that that Tuesday 16:36:11
19 morning? 16:36:13
20 A. I don't know. I'm not sure. 16:36:14
21 Q. Had you read any other witness 16:36:16
22 statements other than for from the three people 16:36:19
23 that you called the perps on that morning? 16:36:22
24 A. That morning, no. 16:36:24
25 Q. Do you know whether any other witness 16:36:26
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1 G. Bosetti
2 statements have been taken from anybody? 16:36:29
3 A. Yes, there's other witness statements 16:36:31
4 taken. 16:36:34
5 Q. By that morning. 16:36:35
6 A. That morning? 16:36:36
7 MR. NOVIKOFF: Objection. 16:36:38
8 I know what you're asking but he may 16:36:38
9 be confused. 16:36:40
10 BY MR. GOODSTADT: 16:36:41
11 Q. My question is, that morning, Tuesday 16:36:41
12 morning -- 16:36:43
13 A. Yes, sir. 16:36:44
14 Q. -- do you know whether any other 16:36:44
15 witness statements had been taken prior to that 16:36:47
16 point in time? 16:36:49
17 A. Before Tuesday. 16:36:51
18 Q. Yes. 16:36:52
19 A. Yes, I believe there was. 16:36:54
20 Q. Okay. What other statements had been 16:36:55
21 taken, to your knowledge, before that Tuesday 16:36:58
22 morning? 16:37:01
23 A. I think it was Jeanne. Jeanne had to 16:37:02
24 make a statement. 16:37:05
25 Q. Who else? 16:37:08
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1 G. Bosetti
2 A. Who else was there. I think Dougy 16:37:10
3 Wykoff, Elyse, Ian and whoever else they got 16:37:17
4 statements from. I don't know who. 16:37:32
5 Q. It was your understanding those 16:37:33
6 statements had been taken prior to your meeting 16:37:34
7 with Paradiso and Hesse? 16:37:37
8 A. I would think. I don't know. 16:37:39
9 Q. Well, they ever tell you that Jaeger, 16:37:42
10 Wykoff, Miller and Levine had provided a 16:37:45
11 statement prior to your meeting with Hesse and 16:37:48
12 Paradiso that morning? 16:37:51
13 A. I remember hearing that Buddy Jaeger 16:37:52
14 wrote a letter to the chief. That Jeanne's 16:37:55
15 husband. 16:38:00
16 Q. And did you learn that prior to or 16:38:01
17 during the meeting on that Tuesday morning? 16:38:03
18 A. Again, I think that was prior but I 16:38:06
19 really don't remember. 16:38:09
20 Q. Did you read any of those statements 16:38:10
21 that Tuesday morning? 16:38:13
22 A. If they were there, I read them. 16:38:14
23 Q. But you don't recall one way or the 16:38:16
24 other whether they were there? 16:38:19
25 A. No. 16:38:19
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1 G. Bosetti
2 Q. What did they tell you about Pat 16:38:20
3 Cherry other than for what you testified thus 16:38:23
4 far? 16:38:24
5 A. Nothing really. He had many years of 16:38:25
6 service doing investigations. He was good at 16:38:32
7 it. 16:38:34
8 Q. Who told you that? 16:38:35
9 A. Well, it's a well-known fact. 16:38:36
10 Q. But who told you that that morning? 16:38:40
11 A. I guess it was either the chief or 16:38:42
12 George. 16:38:42
13 Q. And they told you that -- well, 16:38:44
14 strike that. 16:38:44
15 What did they tell you Cherry's role 16:38:50
16 was going to be in the investigation? 16:38:52
17 A. He was to assist in the 16:38:53
18 investigation, to help out. 16:38:56
19 Q. Who was leading the investigation? 16:38:57
20 A. I don't know. 16:38:58
21 Q. Well, did you meet with any of the 16:38:59
22 investigators? 16:39:03
23 A. No. 16:39:03
24 Q. Did you ever meet with Pat Cherry 16:39:03
25 about the Halloween incident? 16:39:09
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1 G. Bosetti
2 A. No. 16:39:11
3 Q. Did you ever provide a statement to 16:39:11
4 Pat Cherry about the Halloween incident? 16:39:13
5 A. I don't know if I gave my statement 16:39:16
6 to Pat Cherry or somebody else. I don't know. 16:39:19
7 Q. Do you know whether your brother ever 16:39:22
8 met with Pat Cherry about Halloween? 16:39:25
9 A. No, sir. 16:39:27
10 Q. You don't know one way or the other? 16:39:28
11 A. I don't believe so, no. I don't 16:39:29
12 know. 16:39:33
13 Q. Are you friends with Pat Cherry? 16:39:33
14 MR. NOVIKOFF: Objection. 16:39:35
15 A. Acquaintances I guess. 16:39:36
16 Q. Do you ever socialize with Pat 16:39:40
17 Cherry? 16:39:41
18 A. Just at the functions, Christmas 16:39:41
19 party. 16:39:47
20 Q. Any other times? 16:39:49
21 A. Not that I can recall. 16:39:51
22 Q. What was Pat Cherry's position at 16:39:53
23 Ocean Beach at the time, if you know? 16:40:00
24 A. Pat Cherry's position? 16:40:01
25 Q. Yes. 16:40:04
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1 G. Bosetti
2 A. Was he a police officer or something 16:40:05
3 else? 16:40:10
4 Q. Well, did he have any other 16:40:10
5 positions? 16:40:12
6 A. I believe dispatcher. 16:40:12
7 Q. So was he a police officer or 16:40:14
8 dispatcher at that time? 16:40:16
9 A. I'm not sure. 16:40:18
10 Q. Does Ocean Beach have an Internal 16:40:19
11 Affairs Department, Bureau? 16:40:28
12 MR. NOVIKOFF: While he was employed? 16:40:32
13 MR. GOODSTADT: Yes. 16:40:33
14 A. If they do, they're real good. I 16:40:35
15 don't know about them. 16:40:38
16 Q. Do you know whether Suffolk County 16:40:39
17 Police Department had any role in the 16:40:43
18 investigation? 16:40:46
19 A. Not to my knowledge. 16:40:46
20 Q. Why did Pat Cherry go from police 16:40:48
21 officer to a dispatcher? 16:40:59
22 MR. NOVIKOFF: Objection. 16:41:00
23 A. I'm afraid you're going to have to 16:41:01
24 ask Pat Cherry that. 16:41:06
25 Q. You don't know? 16:41:07
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1 G. Bosetti
2 A. No. 16:41:09
3 Q. Did you ever see the file that Pat 16:41:12
4 Cherry created in connection with the 16:41:15
5 investigation? 16:41:16
6 A. No, sir. 16:41:16
7 Q. Did you ever discuss the results of 16:41:17
8 his investigation with him? 16:41:22
9 A. No, sir. 16:41:23
10 Q. I believe you testified that you had 16:41:24
11 provided a statement; is that correct? 16:41:29
12 A. I believe so, yes. 16:41:31
13 Q. Do you recall when you did that? 16:41:32
14 A. No. 16:41:33
15 Q. Where were you when you provided the 16:41:35
16 statement? 16:41:38
17 A. I would guess the station house. I 16:41:39
18 would think it was the station house. 16:41:44
19 Q. Did you write the statement yourself? 16:41:46
20 A. I'm not sure if I wrote it or I 16:41:50
21 dictated it. 16:41:54
22 Q. Did you type it? 16:41:56
23 A. I don't remember. 16:41:58
24 Q. Who else was in the -- well, strike 16:42:01
25 that. 16:42:05
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1 G. Bosetti
2 You gave the statement at the 16:42:05
3 station? 16:42:07
4 A. Yes. 16:42:08
5 Q. So it's not -- just so I'm clear, 16:42:09
6 it's not something you prepared something at 16:42:11
7 home and brought it to the station. 16:42:13
8 A. Oh, no, no, no. Even if I wrote it 16:42:15
9 out and somebody else typed it, because it would 16:42:18
10 take me forever to type it, I just don't 16:42:20
11 remember. 16:42:22
12 Q. But that all happened at the station? 16:42:23
13 A. It must have. 16:42:27
14 Q. I understand but I just want to be 16:42:30
15 clear here. 16:42:33
16 If you wrote it out and somebody else 16:42:33
17 typed it, did you write it out at home or did 16:42:35
18 you out at the station? 16:42:38
19 A. No, at the station. 16:42:39
20 Q. Was somebody asking you questions in 16:42:40
21 which you gave a statement in response? 16:42:44
22 A. No, no. It was my statement. 16:42:46
23 Q. And who did you give that statement 16:42:48
24 to? 16:42:51
25 A. I don't recall. 16:42:52
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1 G. Bosetti
2 Q. Do you recall when you gave that 16:42:57
3 statement? 16:42:59
4 A. I'm sorry? 16:42:59
5 Q. Do you recall when you gave that 16:43:01
6 statement? 16:43:03
7 A. No, sir. 16:43:03
8 Q. And it's your testimony that you did 16:43:05
9 not type up the statement, correct? 16:43:08
10 A. I don't believe I typed it up. 16:43:10
11 Q. Have you ever seen the typed 16:43:12
12 statement that you gave? 16:43:15
13 A. Yeah. I would have to sign it. 16:43:16
14 Q. Have you ever seen a written 16:43:18
15 statement that you gave? 16:43:20
16 MR. NOVIKOFF: After he wrote it? 16:43:22
17 MR. GOODSTADT: Yeah. 16:43:23
18 A. If I wrote it, I must have seen it. 16:43:24
19 Q. But sitting here today, do you recall 16:43:26
20 actually writing a statement? 16:43:29
21 A. I'm sorry. 16:43:30
22 Q. Sitting here today, do you actually 16:43:30
23 recall writing a statement, handwriting a 16:43:33
24 statement? 16:43:34
25 A. Again, I must have. I really don't 16:43:34
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1 G. Bosetti
2 recall. 16:43:37
3 MR. GOODSTADT: I'd just like to mark 16:43:40
4 the record to request the production of a 16:43:42
5 handwritten statement if one exists because 16:43:43
6 we have not received -- 16:43:45
7 MR. NOVIKOFF: I think I've seen one 16:43:47
8 but obviously, listen, obviously if there 16:43:49
9 is a handwritten statement, I don't have to 16:43:52
10 take it under advisement. You get it. 16:43:53
11 MR. GOODSTADT: I've seen one for his 16:43:56
12 brother. I haven't seen one for him. 16:43:57
13 MR. NOVIKOFF: Okay. So maybe I'm 16:43:59
14 thinking of Rich's. 16:44:00
15 MR. CONNOLLY: I don't think I've 16:44:01
16 seen a handwritten statement. 16:44:02
17 (Plaintiffs' Exhibit G. Bosetti 12, 16:44:04
18 Statement of Gary Bosetti, marked for 16:44:04
19 identification, as of this date.) 16:44:04
20 MR. GOODSTADT: I've placed in front 16:44:27
21 of Mr. Bosetti what's been marked 16:44:28
22 G. Bosetti-12. It's a one-page exhibit 16:44:30
23 bearing Bates number 3158. 16:44:32
24 BY MR. GOODSTADT: 16:44:32
25 Q. Mr. Bosetti, do you recognize this 16:44:35
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1 G. Bosetti
2 document that's been marked as G. Bosetti-12? 16:44:36
3 A. Yes, sir. 16:44:38
4 Q. And it's the -- is that your 16:44:39
5 signature towards the bottom after "Respectfully 16:44:42
6 submitted"? 16:44:46
7 A. Yes. 16:44:46
8 Q. And you signed it I see PO Gary 16:44:47
9 Bosetti. 16:44:47
10 The PO stands for what? 16:44:51
11 A. Police officer. 16:44:52
12 Q. And then under it, it says, "Gary 16:44:55
13 Bosetti, PO/411." 16:44:57
14 Do you see that? 16:44:59
15 A. Yes. 16:45:00
16 Q. That's your shield number? 16:45:00
17 A. Yes, it is. 16:45:01
18 Q. Then it says, "/8900." 16:45:02
19 You see that? 16:45:04
20 A. Yes. 16:45:05
21 Q. What's the 8900 referring to? 16:45:05
22 A. I don't know. 16:45:07
23 Q. You don't know who typed this up? 16:45:08
24 A. No. 16:45:13
25 Q. See it's dated on the top November 16:45:14
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1 G. Bosetti
2 12, 2004? 16:45:19
3 A. Yes. 16:45:20
4 Q. Is that the date that you gave the 16:45:21
5 statement? 16:45:23
6 A. I would think it is, yes. 16:45:23
7 Q. How come you gave a statement two 16:45:28
8 weeks or almost two weeks after the incident and 16:45:34
9 not before then? 16:45:37
10 A. I don't know. I don't know. I'm 16:45:40
11 sure I wrote something up. I had to write 16:45:44
12 something up. 16:45:46
13 Q. Do you recall when you wrote 16:45:47
14 something up? 16:45:49
15 A. Like I said, I thought I wrote 16:45:49
16 something up and somebody typed it so I'm not 16:45:54
17 sure. I don't know why that's dated November 16:45:56
18 12th. 16:45:59
19 Q. Is it your understanding that this is 16:46:00
20 the statement that you wrote up that somebody 16:46:02
21 typed? 16:46:03
22 A. Yes. 16:46:04
23 Q. And just so I'm clear, you didn't 16:46:07
24 keep a copy of the handwritten statement? 16:46:11
25 A. No. 16:46:14
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1 G. Bosetti
2 Q. Is this one of the documents that you 16:46:16
3 reviewed in preparation for your deposition? 16:46:18
4 A. No. 16:46:19
5 Q. Do you have a copy of this document 16:46:22
6 at home? 16:46:24
7 A. I don't think so. 16:46:24
8 Q. To your understanding as a police 16:46:26
9 officer, isn't a statement as soon as possible 16:46:37
10 the best practice in terms of getting a 16:46:41
11 statement? 16:46:41
12 MR. NOVIKOFF: Objection. 16:46:45
13 A. Yes. 16:46:47
14 Q. And you weren't physically incapable 16:46:47
15 of giving a statement before November 12th, were 16:46:53
16 you? 16:46:55
17 A. I was capable of it. 16:46:56
18 Q. Now just to go back to the 16:46:58
19 handwritten statement, do you actually recall 16:47:02
20 writing out a statement? 16:47:07
21 We've gone over this but I got a 16:47:09
22 couple different answers. 16:47:12
23 A. Yeah, I'm -- yeah, I'm pretty sure 16:47:13
24 did. I'm pretty sure I wrote out a statement. 16:47:14
25 Q. And is that an actual statement that 16:47:16
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1 G. Bosetti
2 you wrote out or it's something that you gave to 16:47:18
3 somebody else -- 16:47:22
4 A. No, I wrote it out. 16:47:22
5 Q. Who was with you when you wrote out 16:47:24
6 the statement? 16:47:26
7 A. I don't recall. 16:47:26
8 Q. Did anyone actually ask to handwrite 16:47:27
9 out a statement? 16:47:30
10 A. I don't recall. 16:47:30
11 Q. But it was something you did in the 16:47:31
12 police station? 16:47:34
13 A. I'm sorry? 16:47:34
14 Q. It was something that you did in the 16:47:35
15 police station? You were actually in the 16:47:36
16 station when you handwrote out the statement? 16:47:38
17 A. Yes, yes. 16:47:40
18 Q. And that was after you were rehired, 16:47:41
19 right? 16:47:43
20 A. I believe so, yes. 16:47:44
21 Q. In between December -- October 31 and 16:47:45
22 November 12th, did you speak with any of the 16:47:56
23 police officers who were on duty? 16:47:59
24 A. No. 16:48:00
25 Q. Did you work any tours between that 16:48:01
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1 G. Bosetti
2 time? 16:48:04
3 I know it's off season. 16:48:04
4 A. I don't recall. 16:48:06
5 Q. Did you speak to Cherry at all 16:48:07
6 between those times? 16:48:10
7 A. I don't recall. 16:48:11
8 Q. Other than for the phone call and the 16:48:11
9 meeting on the Tuesday morning the 2nd, did you 16:48:16
10 speak with Hesse at all between October 31 and 16:48:18
11 November 12? 16:48:21
12 A. I don't recall. 16:48:22
13 Q. Did you speak to Paradiso between 16:48:23
14 those periods? 16:48:26
15 MR. NOVIKOFF: Other than what he's 16:48:26
16 already testified to. 16:48:27
17 Q. Other than for phone you made while 16:48:28
18 you were in your car and the meeting on the 16:48:29
19 Tuesday morning. 16:48:32
20 A. I don't recall. 16:48:32
21 Q. Is there anything that would refresh 16:48:33
22 your recollection as to whether you spoke to 16:48:36
23 either Hesse or Paradiso? 16:48:37
24 A. No. I don't know. 16:48:38
25 Q. Were you taking any notes of what was 16:48:39
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1 G. Bosetti
2 going on at this time? 16:48:44
3 A. Notes? 16:48:45
4 Q. Yes. 16:48:45
5 A. No. 16:48:47
6 Q. Prior to giving this statement on 16:48:47
7 November 12th, did you read Jeanne Jaeger's 16:48:53
8 statement? 16:48:58
9 A. I think I read Jeanne Jaeger's 16:49:01
10 statement, yes. 16:49:03
11 Q. Did you review the statement, the 16:49:03
12 letter that you testified to from Bud Jaeger? 16:49:06
13 A. Did I read it? 16:49:10
14 Q. Yes. 16:49:10
15 A. Yes. 16:49:12
16 Q. Had you spoken with Jeanne Jaeger 16:49:12
17 between October 31 and November 12? 16:49:15
18 A. No. 16:49:17
19 Q. Had you spoken to Bud Jaeger between 16:49:17
20 those two periods? 16:49:19
21 A. No. 16:49:20
22 Q. Did you know Bud Jaeger prior to 16:49:20
23 October 31, 2004? 16:49:25
24 A. Yes. He ran the movie theater. 16:49:27
25 Q. Have you ever been to the movie 16:49:30
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1 G. Bosetti
2 theater? 16:49:32
3 A. Briefly. 16:49:33
4 Q. Had you reviewed Doug Wykoff's 16:49:35
5 statement prior to November 12, 2004? 16:49:39
6 A. Prior to? Possibly. 16:49:42
7 Q. Had you spoken to Doug Wykoff between 16:49:46
8 October 31 and November 12? 16:49:48
9 A. No, sir. 16:49:50
10 Q. Had you reviewed Elyse Miller's 16:49:50
11 statement prior to November 12th, 2004? 16:49:53
12 A. Possibly. 16:49:56
13 Q. Had you spoken to Elyse Miller 16:49:58
14 between October 31 and November 12? 16:50:00
15 A. No, sir. 16:50:03
16 Q. That next morning did you speak with 16:50:04
17 Elyse Miller about what happened at Houser's? 16:50:08
18 I guess it was the same morning but 16:50:11
19 after you woke up. 16:50:13
20 A. No, I don't think so. 16:50:16
21 Q. So you just left without speaking 16:50:17
22 with her? 16:50:20
23 A. Yeah. I don't know if she was 16:50:21
24 sleeping or what. I'm not sure. 16:50:24
25 Q. Did you ever have a sexual 16:50:26
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1 G. Bosetti
2 relationship with Elyse Miller? 16:50:27
3 A. No. 16:50:28
4 Q. Do you know why your brother believed 16:50:30
5 that you did? 16:50:32
6 A. I'm good. No. I don't know. We're 16:50:33
7 just friends. 16:50:38
8 Q. Had you read Sean O'Rourke's 16:50:41
9 statement prior to November 12, 2004? 16:50:43
10 A. Probably. 16:50:46
11 Q. Do you consider Sean O'Rourke a 16:50:47
12 friend of yours? 16:50:52
13 MR. NOVIKOFF: Objection. 16:50:53
14 A. An acquaintance. 16:50:55
15 Q. You ever socialize with him outside 16:50:56
16 of Ocean Beach? 16:50:58
17 A. No. 16:50:58
18 Q. Did you ever go to any of his 16:51:00
19 parents' funerals or wakes? 16:51:02
20 A. Yes, I did. 16:51:04
21 Q. Both his mother and his father? 16:51:06
22 A. No, just one of them. 16:51:09
23 Q. When was that? 16:51:11
24 A. I don't recall. 16:51:12
25 Q. Do you recall what year it was? 16:51:13
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1 G. Bosetti
2 A. No. 16:51:15
3 Q. Was it -- 16:51:15
4 A. I mean it's a nice thing to do, 16:51:17
5 right? 16:51:18
6 Q. I didn't say it wasn't a nice thing 16:51:18
7 to do, I just want to know when was it. 16:51:20
8 Was it before or after Halloween '04? 16:51:21
9 A. I'd like to say before, but I can't 16:51:24
10 tell you. I don't know. 16:51:27
11 Q. Had you read Ian Levine's statement 16:51:28
12 prior to November 12, 2004? 16:51:33
13 A. Probably. I don't recall. 16:51:36
14 Q. Had you spoken to Ian Levine between 16:51:38
15 October 31 and November 12, 2004? 16:51:40
16 A. No, sir. 16:51:42
17 Q. And you already testified that you 16:51:43
18 had already read the statements by Van Koot, 16:51:47
19 Tesoro and Shalik, correct? 16:51:52
20 A. Yes. 16:51:53
21 Q. Had you had any contact with Tesoro 16:51:54
22 the night it happened? 16:51:57
23 A. Tesoro? 16:51:58
24 Q. John Tesoro. 16:52:00
25 A. No. 16:52:03
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1 G. Bosetti
2 Q. And your statement that you gave on 16:52:04
3 November 12, 2004, did you have any notes that 16:52:17
4 you were working off of or was it straight from 16:52:20
5 memory? 16:52:22
6 A. Memory. 16:52:23
7 Q. Did you read those other witness 16:52:24
8 statements on the same day that you gave this 16:52:28
9 statement? 16:52:30
10 A. I'm sorry, sir? 16:52:30
11 Q. Did you read -- you testified a bunch 16:52:31
12 of witness statements that you believe you had 16:52:33
13 read prior to giving your statement on November 16:52:35
14 12th. 16:52:38
15 Did you read those on the same day 16:52:39
16 that you gave your statement? 16:52:42
17 A. The witness statements that I -- the 16:52:43
18 same day I gave my statement? 16:52:47
19 Q. Why don't we just break this down. 16:52:49
20 You testified that you believe you 16:52:51
21 read Jeanne and Bud Jaeger's statements. 16:52:55
22 A. Yes. 16:52:56
23 Q. Doug Wykoff's statement, Elyse 16:52:57
24 Miller's statement, Sean O'Rourke's statement 16:52:59
25 and Ian Levine's statement prior to giving the 16:52:59
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1 G. Bosetti
2 statement that's been marked as G. Bosetti-12, 16:53:03
3 right? 16:53:06
4 I just want to know how long prior to 16:53:07
5 that you read the statements. 16:53:08
6 A. I don't know. And I thought this was 16:53:10
7 written up way before November 12th. I could be 16:53:13
8 wrong. I don't know. 16:53:17
9 Q. So you think that G. Bosetti-12, you 16:53:18
10 handwrote it before November 12th? 16:53:22
11 A. I don't know. I thought it was, but 16:53:24
12 I guess -- my memory is shot so maybe I'm wrong. 16:53:26
13 Q. Do you know whether your brother ever 16:53:31
14 gave any statement in connection with the 16:53:36
15 Halloween incident? 16:53:38
16 A. Did my brother ever give a statement? 16:53:38
17 Q. Yes. 16:53:38
18 A. He must have, right? 16:53:41
19 Q. When did he give that statement, do 16:53:42
20 you know? 16:53:44
21 A. I don't know. 16:53:46
22 Q. Do you know whether it was before or 16:53:47
23 after November 12, 2004? 16:53:50
24 A. I do not know. 16:53:51
25 Q. Have you ever seen your brother's 16:53:52
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1 G. Bosetti
2 statement? 16:53:54
3 A. I think I have. 16:53:55
4 Q. When did you see it? 16:53:57
5 A. A while ago. I don't remember when. 16:53:59
6 Q. Do you recall what year it was that 16:54:03
7 you saw it? 16:54:05
8 A. No. It was probably around this time 16:54:05
9 that it happened. 16:54:09
10 Q. But you don't recall whether it was 16:54:10
11 before or after you gave your statement? 16:54:12
12 A. No. 16:54:14
13 Q. Now if you look at the bottom 16:54:17
14 paragraph, three lines down, you with me? 16:54:26
15 A. Yes. 16:54:26
16 Q. At the end of that line that starts 16:54:33
17 "After about ten minutes..." do you see that? 16:54:35
18 A. Yes. 16:54:39
19 Q. It says, "After about ten minutes 16:54:40
20 when the police left, my brother told me to go 16:54:42
21 back to the house where we were staying and 16:54:44
22 relax while he went to the station to report the 16:54:46
23 details of the incident." 16:54:49
24 Do you see that? 16:54:50
25 A. Yes. 16:54:51
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1 G. Bosetti
2 Q. So you testified at length before and 16:54:51
3 I got a lot of objections, I think it was asked 16:54:57
4 and answered quite a few times, that at the time 16:55:00
5 you left the police station -- at the time you 16:55:02
6 left Houser's, the on-duty police officers were 16:55:03
7 still there, correct? 16:55:06
8 MR. NOVIKOFF: Objection. 16:55:07
9 His testimony -- 16:55:08
10 A. I said I believe they were. I'm not 16:55:09
11 sure. 16:55:10
12 Q. Your statement here says after ten 16:55:13
13 minutes when the police left, your brother came 16:55:16
14 and told you to go back to the house, correct? 16:55:19
15 A. Yes. 16:55:21
16 Q. Which one is accurate, your statement 16:55:22
17 or your testimony? 16:55:24
18 A. Well, it's -- 16:55:25
19 MR. NOVIKOFF: Wait. Hold on, hold 16:55:25
20 on. 16:55:25
21 Objection. 16:55:25
22 I think you're mischaracterizing his 16:55:28
23 prior testimony, but my objection stands 16:55:30
24 and the witness has to answer the question. 16:55:32
25 A. When the police left, left the bar, I 16:55:35
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<p>Contains Confidential Portions</p> <p>Page 370</p> <p>1 G. Bosetti</p> <p>2 don't know. I really don't know. I don't 16:55:38</p> <p>3 recall. 16:55:40</p> <p>4 Q. But what were you referring to when 16:55:41</p> <p>5 you said when the police left? 16:55:43</p> <p>6 A. I don't know. 16:55:44</p> <p>7 Q. Have you ever spoken to Natalie 16:55:45</p> <p>8 Rogers about the incident? 16:55:57</p> <p>9 A. No. 16:55:58</p> <p>10 Q. Have you ever spoken to Joe Loeffler 16:56:00</p> <p>11 about the incident? 16:56:02</p> <p>12 A. No. 16:56:03</p> <p>13 Q. Have you ever spoken to anybody on 16:56:03</p> <p>14 the Ocean Beach Board of Trustees about the 16:56:05</p> <p>15 incident? 16:56:08</p> <p>16 A. No. 16:56:08</p> <p>17 Q. Do you know whether Jeanne Jaeger was 16:56:10</p> <p>18 drinking that night? 16:56:12</p> <p>19 A. I don't know. 16:56:13</p> <p>20 Q. Do you know whether she saw you use 16:56:14</p> <p>21 the pool cue? 16:56:16</p> <p>22 A. I'm sorry? 16:56:17</p> <p>23 Q. Do you know whether she saw you 16:56:18</p> <p>24 hit -- 16:56:20</p> <p>25 A. I don't know. 16:56:21</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 371</p> <p>1 G. Bosetti</p> <p>2 Q. Do you know whether Bud Jaeger was 16:56:22</p> <p>3 drinking that night? 16:56:23</p> <p>4 A. I don't know. 16:56:24</p> <p>5 Q. Do you know whether he saw you use 16:56:24</p> <p>6 the pool cue? 16:56:26</p> <p>7 A. I don't know. 16:56:27</p> <p>8 Q. Do you know whether Douglas Wykoff 16:56:27</p> <p>9 was drinking that night? 16:56:29</p> <p>10 A. I don't know. 16:56:30</p> <p>11 Q. Do you remember seeing Douglas Wykoff 16:56:31</p> <p>12 in the bar that night? 16:56:34</p> <p>13 A. Yes, I believe he was in the bar. 16:56:36</p> <p>14 Q. You recall whether he was drinking or 16:56:38</p> <p>15 not? 16:56:40</p> <p>16 A. No. 16:56:40</p> <p>17 Q. Do you know whether he saw you hit 16:56:41</p> <p>18 Shalik with the pool cue? 16:56:44</p> <p>19 A. I don't know. 16:56:45</p> <p>20 Q. Do you know whether Sean O'Rourke was 16:56:46</p> <p>21 drinking that night? 16:56:48</p> <p>22 A. I don't know. 16:56:49</p> <p>23 Q. You're aware that Sean O'Rourke has 16:56:50</p> <p>24 been arrested for cocaine possession, right? 16:56:52</p> <p>25 A. Yes. 16:56:55</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 372</p> <p>1 G. Bosetti</p> <p>2 Q. Do you know whether he saw you use 16:56:56</p> <p>3 the pool cue to hit Shalik? 16:56:58</p> <p>4 A. I don't know. 16:57:00</p> <p>5 Q. Do you know whether Elyse Miller was 16:57:00</p> <p>6 drinking that night? 16:57:04</p> <p>7 A. I know she had at least a drink. 16:57:05</p> <p>8 Q. Do you know whether she saw you use 16:57:09</p> <p>9 the pool cue? 16:57:11</p> <p>10 A. I don't know. 16:57:12</p> <p>11 Q. Did you ever speak to her about it 16:57:12</p> <p>12 that day since that day? 16:57:14</p> <p>13 A. Not really, no. 16:57:15</p> <p>14 Q. Did you ever speak to her at all 16:57:16</p> <p>15 about the fight that night since that day? 16:57:18</p> <p>16 MR. NOVIKOFF: Objection. 16:57:21</p> <p>17 A. Not really. 16:57:21</p> <p>18 Q. Are you currently friends with her? 16:57:22</p> <p>19 MR. NOVIKOFF: Objection. 16:57:25</p> <p>20 A. You know, we're friends. Say again, 16:57:28</p> <p>21 acquaintances but we really don't talk. I don't 16:57:29</p> <p>22 see her. 16:57:33</p> <p>23 Q. So you used to be better friends than 16:57:34</p> <p>24 you are today? 16:57:37</p> <p>25 A. Better friends? 16:57:37</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 373</p> <p>1 G. Bosetti</p> <p>2 Q. Or were you always just 16:57:38</p> <p>3 acquaintances? 16:57:40</p> <p>4 A. No, no. We used to be better 16:57:40</p> <p>5 friends. 16:57:43</p> <p>6 Q. Do you know whether Ian Levine was 16:57:45</p> <p>7 drinking that night? 16:57:49</p> <p>8 A. I don't know. 16:57:50</p> <p>9 Q. Do you know whether he saw you use 16:57:52</p> <p>10 the pool cue? 16:57:52</p> <p>11 A. I don't know. 16:57:53</p> <p>12 Q. Have you ever discussed the Halloween 16:57:54</p> <p>13 incident with Ian Levine? 16:57:56</p> <p>14 A. No, sir. 16:57:56</p> <p>15 MR. GOODSTADT: I know that it's 5:00 16:58:02</p> <p>16 right now. We can break up now and with 16:58:04</p> <p>17 the understanding that we're going to come 16:58:07</p> <p>18 back on a mutually agreeable date? 16:58:09</p> <p>19 MR. NOVIKOFF: Absolutely. 16:58:11</p> <p>20 MR. GOODSTADT: Everybody okay with 16:58:12</p> <p>21 that? 16:58:13</p> <p>22 MR. FEHRINGER: Yes. 16:58:13</p> <p>23 (Continued on next page to include 16:58:13</p> <p>24 jurat.) 16:58:13</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 G. Bosetti
2 THE VIDEOGRAPHER: We're now going 16:58:14
3 off the record. The time is 4:58 p.m. 16:58:15
4 This is the end of the tape labeled 16:58:18
5 No. 4 to this videotaped deposition. 16:58:20
6 (Time noted: 4:58 p.m.) 16:58:24
7
8
9
10 GARY BOSETTI
11
12
13 Subscribed and sworn to before me
14 this day of 2009.
15
16 _____
17
18
19
20
21
22
23
24
25
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1
2 C E R T I F I C A T E
3
4 STATE OF NEW YORK)
5) ss.:
6 COUNTY OF QUEENS)
7
8 I, ANNETTE ARLEQUIN, a Notary Public
9 within and for the State of New York, do
10 hereby certify:
11 That GARY BOSETTI, the witness whose
12 deposition is hereinbefore set forth, was
13 duly sworn by me and that such deposition
14 is a true record of the testimony given by
15 such witness.
16 I further certify that I am not
17 related to any of the parties to this
18 action by blood or marriage; and that I am
19 in no way interested in the outcome of this
20 matter.
21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 6th day of March, 2009.
23
24
25

ANNETTE ARLEQUIN, CSR, RPR
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1
2 I N D E X
3
4 Witness Page
5 GARY BOSETTI
6 MR. GOODSTADT 7
7
8
9 I N F O R M A T I O N R E Q U E S T E D
10 Page Line
11
12 Resignation letter 42 2
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14 Mr. Bosetti
15
16 Handwritten 356 5
17 statement
18
19 I N D E X O F E X H I B I T S
20 Description Page
21 Plaintiffs' Exhibit G. Bosetti 1, Subpoena 7
22
23 Plaintiffs' Exhibit G. Bosetti 2, Document 99
24 entitled "Police Officer Part
25 Time/Seasonal"
26
27 Plaintiffs' Exhibit G. Bosetti 3, 137
28 Incorporated Village of Ocean Beach Police
29 Department Questionnaire dated 5/4/05
30
31 Plaintiffs' Exhibit G. Bosetti 4, 192
32 Questionnaire
33
34
35
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1
2 I N D E X O F E X H I B I T S (Cont'd.)
3 Description Page
4
5 Plaintiffs' Exhibit G. Bosetti 5, 2007 201
6 Yearly Performance Report
7
8 Plaintiffs' Exhibit G. Bosetti 6, 206
9 Incorporated Village of Ocean Beach
10 Employee Handbook
11
12 Plaintiffs' Exhibit G. Bosetti 7, G. 211
13 Bosetti Wage/Salary History
14
15 Plaintiffs' Exhibit G. Bosetti 8, Document 216
16 entitled "State of New York Division of
17 Criminal Justice Services"
18
19 Plaintiffs' Exhibit G. Bosetti 9, Two-page 223
20 document on the letterhead of Police
21 Department of Ocean Beach, dated 4/2/06 in
22 re Weapons purchase/weapons carry
23
24 Plaintiffs' Exhibit G. Bosetti 10, 270
25 Photograph of Houser's dated 2/10/09
26
27 Plaintiffs' Exhibit G. Bosetti 11, 321
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30 Plaintiffs' Exhibit G. Bosetti 12, 356
31 Statement of Gary Bosetti
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1
2 ERRATA SHEET FOR THE TRANSCRIPT OF:
3 CASE NAME: CARTER v. VILLAGE OF OCEAN BEACH
4 DATE: FEBRUARY 23, 2009
5 DEPONENT: GARY BOSETTI
6 Pg. Ln. Now Reads Should Read Reason
7
8
9
10
11
12
13
14
15
16
17
18
19 GARY BOSETTI
20 SUBSCRIBED AND SWORN BEFORE ME
21 THIS ____ DAY OF _____ 2009.
22
23
24 (Notary Public)
25 MY COMMISSION EXPIRES: _____
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